



Public Service Commission

State of North Dakota

COMMISSIONERS

Julie Fedorchak
Randy Christmann
Brian Kroshus

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

December 21, 2021

Mr. Jeff Fleischman, Chief
Denver Field Division
Office of Surface Mining
P.O. Box 11018
Casper WY 82602-5004

RE: Request for Authorization to Proceed for the 2022 Garrison Phase 5 Project, the 2022 Exploratory Drilling Project and the 2022 Morton County Phase 3 Project in North Dakota.

Dear Mr. Fleischman:

Enclosed is the documentation to support our Request for Authorization to Proceed for the 2022 Garrison Phase 5 Project, the 2022 Exploratory Drilling Project and the 2022 Morton County Phase 3 Project in North Dakota. Environmental assessments and categorical exclusions are attached for the proposed projects.

We have requested concurrence for our proposed 2022 Projects from the State Historical Society of North Dakota, U.S. Fish and Wildlife Service, North Dakota Parks and Recreation Department and the North Dakota Department of Environmental Quality. Copies of our letters and the responses we received are attached.

A public meeting was held at Garrison, ND, on November 1, 2021, regarding proposed work near Garrison. A public meeting was held in New Salem on December 13, 2021, regarding the proposed Morton County work. All affected property owners for these proposed 2022 AML Projects have been or will be contacted, and consents for right-of-entry will be executed before any work begins.

A list of eAMLIS Problem Area Description numbers for the proposed sites is included below. We have posted priority documentation for each of the 2022 sites in the documents section of their respective eAMLIS Problems within their Problem Area Descriptions (PADs). If you

need more information or have any questions, please call Joan Breiner at 701-328-2412 or me at 701-328-3403.

Sincerely,



Zanna A. Brinkman
Director, Reclamation and AML Divisions

Enclosures

List of Attachments

Brief narratives about the proposed 2022 projects.

Standardized environmental assessments for proposed 2022 Garrison Phase 5 Project and 2022 Morton County Phase 3 Project sites. A categorical exclusion for proposed 2022 Exploratory Drilling Project sites is also included.

Requests for concurrence for 2022 proposed AML Projects, one copy of the maps attached to each letter, and the responses received:

ND State Historical Society (response included).
ND Department of Environmental Quality (response included).
ND Parks & Recreation Department (response included).
U.S. Fish and Wildlife Service (response included).

Eligibility determination for the proposed 2022 Projects.

AMLIS PAD Numbers for Proposed 2022 Project Sites:

PAD No.	Name	Project
ND000004	Buechler Knorr	Exploratory Drilling
ND000014	Beulah/Zap	Exploratory Drilling
ND000019	Garrison	Exploratory Drilling & Remote Backfilling
ND000024	Binek B,C,D,E, H	Exploratory Drilling
ND000029	Noonan	Exploratory Drilling
ND000100	North New Salem	Morton County Phase 3

NORTH DAKOTA PUBLIC SERVICE COMMISSION

Abandoned Mine Lands Division

Proposed Reclamation Projects for 2022

The 2022 Morton County Ph3 AML Project: The Youngstown abandoned surface coal mine contains 3200 feet of steep highwalls that are 20 to 25 feet high. The proposed reclamation work involves backsloping and backfilling the highwalls with on-site mine spoil and reducing the steepness of the highwalls. The property owners support the proposed reclamation project. Affected areas will be reseeded with locally adapted grass species native to western North Dakota. No off-site pit dewatering is planned, and erosion and sedimentation will be controlled. The total area affected is about 12.5 acres. Work is expected to be conducted between June and September 2022. The estimated cost for this project is \$233,000.

The 2022 Garrison Phase 5 AML Project: This remote backfilling project will stabilize abandoned underground coal mine workings along McLean County Highway 15 just south of its intersection with North Dakota State Highway 37 and near homes in the adjacent South Garrison Subdivision in McLean County. This project will use previously drilled and cased holes with additional drilling completed as needed. An estimated 2000 cubic yards of flowable fill will be pumped into mine workings. Work is expected to be conducted between July and September 2022. The total area affected will be less than 5 acres and surface disturbance will be minimal. The estimated cost for this project is \$730,000.

The 2022 Exploratory Drilling AML Project will locate and characterize underground mine workings beneath public roads and occupied residences. This investigatory project is expected to be conducted near the cities of Beulah, Dickinson, Garrison, Noonan and Velva, North Dakota. Surface disturbance will be minimal. This project is to be conducted between April and July 2022. The estimated cost for this project is \$925,000.

STANDARDIZED ENVIRONMENTAL ASSESSMENT

2022 Garrison Phase 5 AML Project

ND000019

McLean County, North Dakota

Prepared by

North Dakota Public Service Commission

In Cooperation With

**United States Department of the Interior
Office of Surface Mining Reclamation and Enforcement
Casper Field Office**

November 2021

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Chapter 1

Purpose and Need for the Proposal

A. Need for the Action

The principal objective of the Abandoned Mine Lands (AML) Division of the North Dakota Public Service Commission (PSC) is to reclaim potentially hazardous portions of abandoned surface and underground coal mines in North Dakota.

To our knowledge, no deaths or serious personal injuries attributable to the abandoned mines in the Garrison project area have been reported. However, the presence of abandoned underground mines is a hazard. Several hazardous sinkholes have been documented at the project area within the last few years. A 2021 exploratory drilling project was conducted by the PSC which located abandoned underground mine voids near roads and structures in the Garrison area.

B. Project Background

The project area is located within portions of Sections 17 and 18, T148N, R84W, McLean County, within and directly south of the city of Garrison (population 1,623). Drilling and remote backfilling will occur near roads and structures in the subdivision as well as the ditch of McLean County Highway 15.

Work began in Garrison with a sinkhole filling project in 1983. In 1997 an exploratory drilling project located abandoned underground mine voids. Four drilling and grouting projects followed as well as emergency sinkhole filling projects. The last drilling and grouting was done in the 2005 Garrison Phase 4 AML Project.

During the 2005 Garrison Phase 4 AML project, a gasoline leak was detected while drilling into abandoned mine voids. This leak was then reported to the North Dakota Department of Health (NDDH). The gasoline spill was successfully remediated and in 2021 AML received clearance from the North Dakota Department of Environmental Quality (NDDEQ) to continue abandoned underground mine reclamation. A handful of cased holes from the 2005 project as well as 53 holes cased in the 2021 exploratory drilling project remain on site. Additional drilling will be done as needed.

The following table shows the project types, year, feet drilled, total grout pumped, and cost:

Project Type	Year	Feet Drilled	Total Grout Pumped	Total cost
Sinkhole Filling	1983	--	--	\$16,237.75
Exploratory Drilling	1997	11,371	--	\$24,426.80
Sinkhole Filling	1999	--	--	\$4,124.88
Drilling and Grouting	2002	22,062	1,055	\$120,939.76
Exploratory Drilling	2003	20,100	--	\$55,000.00
Drilling and Grouting	2004	14,585	1,720	\$217,069.70
Drilling and Grouting	2005	17,985	2,024	\$304,223.50
Emergency Sinkhole Filling	2006	--	--	\$350.00
Sinkhole Filling	2009, 2011, 2014, 2017	--	--	\$26,969.00
Exploratory Drilling	2021	7,239	--	\$130,938.00
Total	93,342	11,737	4,799	\$900,279.39

Chapter 2

Proposed Action and Appropriate Alternatives

A. No Action Alternative

The no action option does not solve the potentially hazardous AML conditions.

B. Proposed Action

The preferred method to stabilize overburden from collapse at abandoned underground coal mines in North Dakota is by pressurized remote backfilling. Backfilling begins with drilling injection holes about every 10 linear feet, depending upon mine specific conditions. For this project site, ND AML found 6-foot spacing to be best. The relatively close spacing of drill holes is essential to target the mine workings. Tunnels and workings were often 10 feet wide or less. Angle or directional drilling may be used to drill under buildings, utilities, or roads. Drilled holes that intercept mine workings or rubble are cased from the ground surface to within five feet of the voids with 3" diameter Schedule 40 PVC Pipe. Casing the holes allows for mine inspection with a borehole and conduit for pumping the flowable fill and filling both open voids and tight rubble. This material stabilizes the overburden to prevent a collapse of the mine workings.

C. Other Reasonable Alternatives

Gravity backfilling is an alternative method for abandoned underground mine reclamation. A sand-water slurry is poured through large diameter holes drilled into the mine workings. This method works well with intact mine workings. It will not penetrate the rubble and differential levels of the voids that have been encountered through exploratory drilling at this site. Another alternative would be "daylighting" or over-excavation. In this process, the overburden is removed to expose the mine. Once the mine has been fully opened, the overburden is replaced.

Prohibitive costs of overburden removal and infrastructure relocation render this alternative impractical.

Other alternatives include property buy-out, condemnation, or relocation by a political subdivision or no action at all. Buy-outs with demolition, removal, or relocation of existing structures, roads, and utilities are generally cost-prohibitive. Also, the greater area contains a substantial amount of abandoned underground mining, making nearby relocation difficult without encountering other undermined areas. Additionally, these options do not solve the existing inherently dangerous abandoned mine problems and are not considered viable options.

Chapter 3

Environmental Impacts

A. Cultural or historic resource values (the Archaeological Resources Protection Act of 1979; the Archaeological and Historic Preservation Act of 1974; the National Historic Preservation Act of 1986, as amended; the Antiquities Act of 1906, Executive Order 11593, concerning the protection and enhancement of the cultural environment; the American Indian Religious Freedom Act of 1978; the Historic Sites Act of 1935; and OMB Circular A-102).

Reclamation activities will be conducted in a manner that should have no significant effect on cultural or historic resources.

B. Water quality values (Clean Water Act, as amended)

Garrison Creek is located less than one mile from the project site. Garrison creek runs into Lake Sakakawea which runs into the Missouri River. The Missouri River terminates into the Gulf of Mexico. Reclamation will be conducted in a manner that should have no significant effect on surface water quality or quantity. Groundwater can be affected by pressurized grout remote backfilling, however, water contained in abandoned underground mines and coal seams is of poor quality and is not generally used for human consumption. The AML Division remains in continual consultation with the North Dakota Department of Environmental Quality to monitor the performance and environmental aspects of the use of fly-ash, especially as it concerns groundwater. Water well monitoring will be conducted before and after pressurized flowable fill injection at this site.

C. Wetlands values (Clean Water Act, Executive Order 11990, and Army/EPA Memorandum of Agreement (MOA) Concerning the Determination of Mitigation under the Section 404(b) (1) Guidelines)

No reclamation activities are planned on or near wetlands in the project area.

D. Floodplain values (Executive Order 11988)

No reclamation activities in the project area an identified floodplain.

E. Wildlife (Endangered Species Act and Fish and Wildlife Coordination Act)

Reclamation activities will be conducted in a manner that should have no significant effect on fish or wildlife. Threatened, Endangered or Candidate species in McLean County identified by the U.S. Fish and Wildlife Service include; Dakota Skipper (*Hesperia dacotae*), Monarch Butterfly (*Danaus plexippus*), Northern Long-Eared Bat (*Myotis septentrionalis*), Piping Plover (*Charadrius melodus*), Red Knot (*Canutus rufa*) and Whooping Crane (*Grus americana*). None of these species are likely to be found or disturbed by the 2022 Garrison Phase 5 AML Project.

F. Prime and unique farmland values (Farmland Protection Policy Act)

Reclamation will have no effect on prime or unique farmland values.

G. Recreational resource values (Wild and Scenic Rivers Act, Clean Air Act)

No lands in the proposed project area are classified as Wilderness Area or lands being studied for wilderness.

No lands in the proposed project area are identified as areas of critical environmental concern.

No lands in the proposed project area are included in the Wild and Scenic Rivers category.

No parks or areas of critical ecological or aesthetic concern are found in the proposed project area.

H. Air quality (Clean Air Act)

The proposed project area is not in or near a Class I air quality region, and this project should not adversely affect air quality.

I. Socioeconomic factors

Factors such as noise, traffic control, and dust suppression will be addressed in the solicitation package. Reclamation will be conducted in a manner that minimizes any disruption of socioeconomic factors.

J. Political factors

Portions of the project area are under zoning jurisdictions of McLean County, the City of Garrison, township authorities, and the State of North Dakota, as well as private ownership. Meetings between the North Dakota Public Service Commission and all governing and private entities are ongoing and will continue throughout project(s) completion. A public meeting was held on January 7, 2002, at the McLean County Courthouse in Washburn. Subsequent meetings were held on January 6, 2003, and

November 1, 2021, at the Garrison City Hall. Notices of these meetings were mailed to landowners, governmental authorities, and other interested parties, and public service announcements were placed in local newspapers and on radio stations.

K. Existing vegetative cover

Existing vegetation varies with land use in the project area. It includes gravel or asphalt driveways, grass yards, and highway ditches. Long term effects of the project on vegetation should be minimal.

L. Threatened and endangered plant species

To the best of our knowledge, no threatened or endangered plant species have been identified within the project area. The only federally-listed threatened or endangered plant species known to exist in North Dakota is the Western Prairie Fringed Orchid (*Platanthera praeclar*). Known locations of this plant are within moist, tall grass prairie and sedge meadows of the Sheyenne National Grasslands in the southeastern corner of the state. This plant has not been seen and is not likely to inhabit the project area.

M. Anticipated dates of reclamation

Four phases of AML drilling and grouting projects and one exploratory drilling project have been completed. The 2022 Garrison Phase 5 AML project is a continuation of those projects. The anticipated work period is from mid-June to December 2021. Reclamation may continue beyond 2021.

N. Estimated cost of reclamation

The 2022 Garrison Phase 5 AML Project is estimated at \$730,000.00.

O. Offsite borrow and disposal areas

If offsite borrow or disposal issues arise, applicable environmental regulations will be addressed through the North Dakota Department of Environmental Quality. Aggregate used for this project will be taken only from locations that comply with the North Dakota Department of Transportation (NDDOT) material source requirement. Material Source Certificates of Approval may be found at the NDDOT website.

P. Noise pollution

Project work may be conducted near occupied buildings and roadways. If noise pollution problems arise, the North Dakota Department of Environmental Quality will be consulted for remedial action.

Q. Environmental justice policy

Construction work may result in a slight increase in employment and revenues, but no significant direct or indirect impact on minority or low-income populations is expected.

Chapter 4

Consultation and Coordination

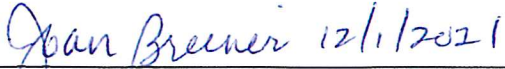
A letter to the U.S. Fish and Wildlife Service was sent on November 2, 2021, requesting concurrence for the 2022 Garrison Phase 5 Project. A response dated November 10, 2021, indicated no significant impact on fish and wildlife resources, and no endangered or threatened species are known to occupy the project area as described.

A letter was sent to the State Historical Society of North Dakota on November 2, 2021, requesting concurrence for the 2022 Garrison Phase 5 Project. The response dated November 12, 2021, concurred with the "No Historic Properties Affected" and "No Significant Sites" determination for the project.

A letter was sent to the North Dakota Department of Environmental Quality on November 2, 2021, requesting concurrence for the 2022 Garrison Phase 5 Project. The response dated November 16, 2021, indicated that planned activities are not likely to adversely affect surface or groundwater resources. The AML Division will remain in consultation with NDDEQ and will provide the NDDEQ with a copy of the Invitation for Bid and any requested reports.

A letter was sent to the North Dakota Parks and Recreation Department (NDPRD) on November 2, 2021, requesting concurrence for the 2022 Garrison Phase 5 Project. The response dated November 16, 2021, indicated that planned activities do not appear to affect any properties that NDPRD owns, leases, or manages. The response also stated that planned activities do not appear to affect ~~and~~ properties protected under Section 6(f) of the Land and Water Conservation Fund.

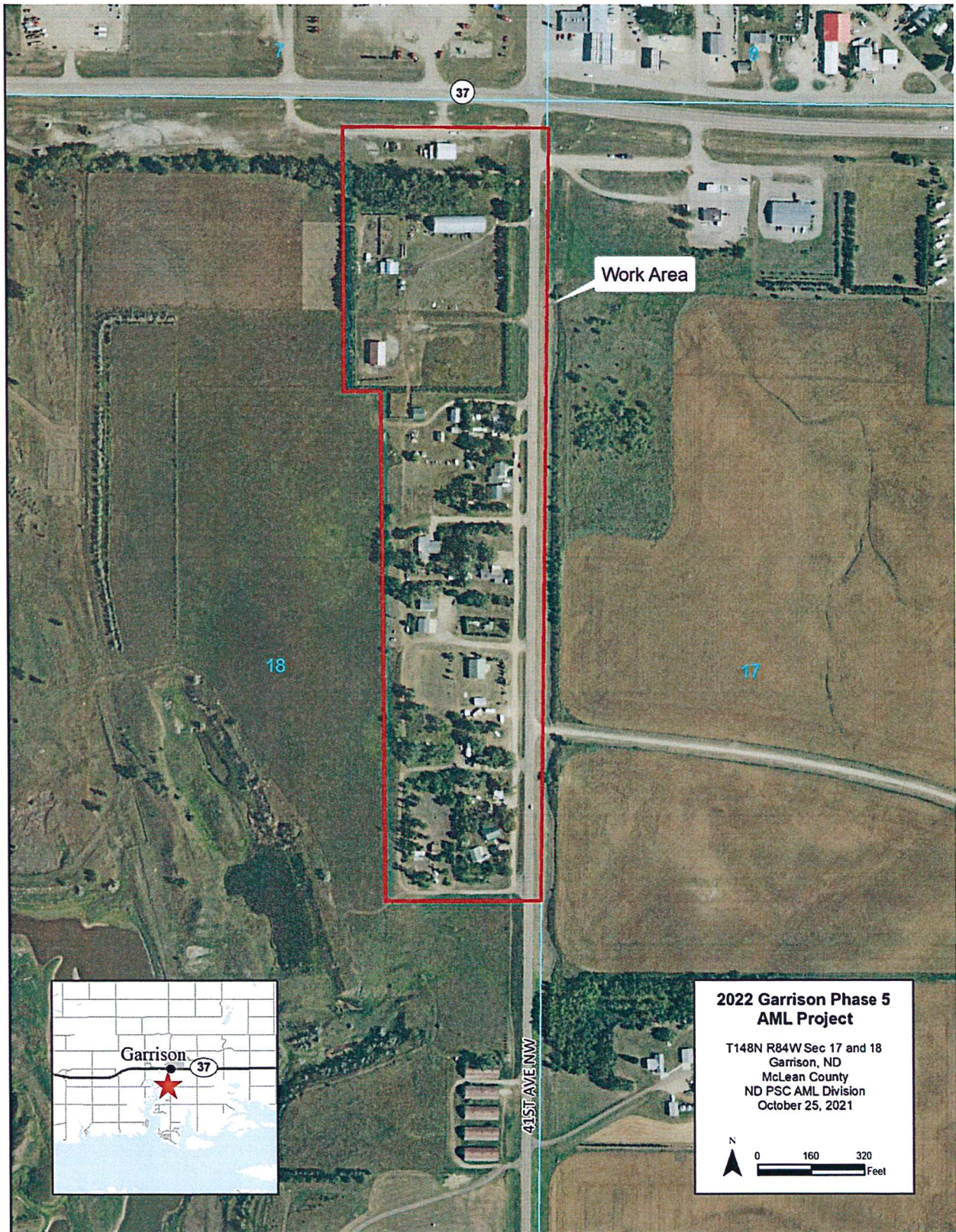
Preparers

 12/1/2021

Joan Breiner
Assistant Director - AML Division
ND Public Service Commission

 12/10/21

Ross Edison
Environmental Scientist - AML Division
ND Public Service Commission



STANDARDIZED ENVIRONMENTAL ASSESSMENT

**Morton County Phase 3 AML Project
ND000100
Morton County, North Dakota**

Prepared by

North Dakota Public Service Commission

In Cooperation With

**United States Department of the Interior
Office of Surface Mining Reclamation and Enforcement
Casper Field Office**

November 2021

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Chapter 1

Purpose and Need for the Proposal

A. Need for the Action

The principal objective of the Abandoned Mine Lands (AML) Division of the North Dakota Public Service Commission (PSC) is to reclaim potentially hazardous portions of abandoned surface and underground coal mines in North Dakota.

The project area is approximately six miles northwest of New Salem, in Morton County, North Dakota, T140N, R85W, Sections 18 and 19. The highwalls are located near section line roads, local trails, and field borders with uncontrolled access. The 2022 Morton County Phase 3 AML Project includes approximately 12.5 acres. The proposed 2022 Morton County Phase 3 AML Project will eliminate approximately 3200 feet of dangerous highwalls in the following areas:

Site	Legal Description	GPS Coordinates	Relative Location
Wayne Holle	SW¼ of Sec. 19-T140N-R85W	46.9204N,101.4637W	6 Mi. NW of New Salem ND
Elmer Holle Trust	SE1/4 of Sec. 19-T140N-R85W	46.9202N,101.4450W	6 Mi. NW of New Salem ND

To our knowledge, no deaths or serious personal injuries attributable to the abandoned mines at the 2022 Morton County Phase 3 AML Project have been reported; however, the potential for death or injury is inherent due to the location of the abandoned mines.

B. Project Background

The Youngtown site is a surface mine located in the S 1/2 of Section 19, T140N, R85W and contains 3200 feet of steep final pit highwalls ranging in height up to approximately 25 feet. Slides, piping and sloughing along the highwall are indications of its instability. Exact mining dates are unknown for this area, but the 1983 Centennial History of New Salem indicates the mine operated from the early 1900s until the early 1950s. Current land use of the area is designated as agricultural. Anticipated land use of the area will remain agricultural.

Chapter 2

Proposed Action and Appropriate Alternatives

A. No Action Alternative

The no action option does not solve the potentially hazardous AML conditions at the site.

B. Proposed Action

The proposed reclamation project for this site will be beneficial to the property owners and the general public and meets the requirements of federal and state law for reclamation. This project will eliminate the hazard of the highwalls and also improve land use, vegetation, wildlife habitat and topography.

The plan of action will be to backfill and back grade hazardous highwalls with material from adjacent spoil piles. The approved North Dakota Abandoned Mine Lands State Reclamation Plan identifies backfilling as an effective reclamation technique. Erosional gullies and washouts will be repaired and reestablished to non-erosive slopes.

To the degree possible, topsoil will be salvaged from the disturbed areas and respread once the earthwork has been completed. Approximately 3200 feet of hazardous highwalls will be eliminated through proposed reclamation operations in 2022. The reclaimed areas will be seeded with locally adapted grass species native to western North Dakota.

The proposed reclamation activities should have no long-term adverse effects on the environment. Any temporary disruption of wildlife habitat will be a short-term effect.

C. Other Reasonable Alternatives

Alternative reclamation methods include property buy-out or condemnation and fencing of hazardous areas. Property buy-out or condemnation does not solve the AML problems at the site. Fencing is not considered a long-term viable option.

Chapter 3

Environmental Impacts

A. Cultural or historic resource values (the Archaeological Resources Protection Act of 1979; the Archaeological and Historic Preservation Act of 1974; the National Historic Preservation Act of 1986, as amended; the Antiquities Act of 1906, Executive Order 11593, concerning the protection and enhancement of the cultural environment; the American Indian Religious Freedom Act of 1978; the Historic Sites Act of 1935; and OMB Circular A-102).

Reclamation activities will be conducted in a manner that should have no significant effect on cultural or historic resources.

B. Water Quality Values (Clean Water Act, as amended)

Reclamation will be conducted in a manner that should have no significant effect on surface or groundwater quality or quantity.

The project area is located within the *School Hill* subwatershed of the Sweetbriar Creek watershed. Runoff flows through naturally established drainage channels in a southeastern direction entering Sweetbriar Creek which discharges into the Heart River eventually discharging into the Missouri River. After reclamation, the runoff pattern will remain unchanged and the hydrologic impact should be negligible.

Drainage patterns in each subwatershed will remain unchanged after construction. All site runoff will flow into the natural drainages adjacent to the site. During construction, runoff will be controlled by the use of silt fences, mulching, erosion control blankets, and other erosion control measures as needed.

C. Wetlands values (Clean Water Act, Executive Order 11990, and Army/EPA Memorandum of Agreement (MOA) Concerning the Determination of Mitigation under Section 404(b) (1) Guidelines)

Reclamation activities within the project area will have no significant effect on wetlands.

D. Floodplain values (Executive Order 11988)

No reclamation activities are within an identified floodplain.

E. Wildlife (Endangered Species Act and Fish and Wildlife Coordination Act)

Reclamation activities will be conducted in a manner that should have no significant effect on fish or wildlife. Threatened, Endangered or Candidate species in Morton County identified by the U.S. Fish and Wildlife Service include Monarch Butterfly

(*Danaus plexippus*), Dakota Skipper (*Hesperia dacotae*), Whooping Crane (*Grus Americana*), Piping Plover (*Charadrius melodus*), Northern Long-Eared Bat (*Myotis septentrionalis*), and the Rufa Red Knot (*Calidris cantus rufa*). None of these species are likely to be found or disturbed by the 2022 Morton County Phase 3 AML Project.

F. Prime and unique farmland values (Farmland Protection Policy Act)

No prime farmland within the 2022 Morton County Phase 3 AML Project area has been identified. Reclamation will have no effect on prime or unique farmland values.

G. Recreational resource values (Wild and Scenic Rivers Act, Clean Air Act)

No lands in the proposed project area are classified as Wilderness Areas or lands being studied for wilderness designation.

No lands in the proposed project area are identified as areas of critical environmental concern.

No lands in the proposed project area are included in the Wild and Scenic Rivers category.

No parks or areas of critical ecological or aesthetic concern are found in the proposed project area.

H. Air quality (Clean Air Act)

The proposed project area is not in or near a Class I air quality region, and this project should not adversely affect air quality.

I. Socioeconomic factors

Factors such as noise, traffic control, and dust suppression will be addressed in the solicitation package. Reclamation will be conducted in a manner that minimizes any disruption of socioeconomic factors.

J. Political factors

Portions of the project area are under zoning jurisdictions of Morton County, Engelter township authorities, and the State of North Dakota, as well as private ownership. Meetings between the North Dakota Public Service Commission and all governing and private entities are ongoing and will continue throughout project(s) completion. A public meeting will be held on December 13th, 2021 to discuss the 2022 Morton County Phase 3 AML Project. Notices were mailed to landowners,

governmental authorities, and other interested parties; and public service announcements were made in local newspapers.

K. Existing vegetative cover

Existing vegetation varies with land use within the project area. It includes cropland, tame grass and legume pastures, native grasslands, and road ditches. Cropland and tame grasses are predominant and include wheat, oats, barley, corn, sunflowers, alfalfa, crested wheatgrass, and smooth bromegrass. Native grasslands may include species such as wheat grasses, green needlegrass, blue grama, and big bluestem as well as forbs such as western snowberry, buffaloberry, chokecherry and wild plum. Long term effects of the project on vegetation should be minimal.

L. Threatened and endangered plant species

To the best of our knowledge, no threatened or endangered plant species have been identified within the project area. The only federally-listed threatened or endangered plant species known to exist in North Dakota is the Western Prairie Fringed Orchid (*Platanthera praeclara*). Known locations of this plant are within moist, tallgrass prairie and sedge meadows of the Sheyenne National Grasslands in the southeastern corner of the state. This plant has not been seen and is not likely to inhabit the proposed project areas.

M. Anticipated dates of reclamation

The reclamation performance period for the 2022 Morton County Phase 3 AML Project is expected to begin in June 2022 and be completed in September 2022.

N. Estimated construction cost

The engineer's estimate for the 2022 Morton County Phase 3 AML Project is \$233,000.

O. Off-site borrow and disposal Areas

If offsite borrow or disposal issues arise, applicable environmental regulations will be addressed through the North Dakota Department of Environmental Quality.

P. Noise pollution

Noise pollution problems are not anticipated; however, if problems arise, remedial action measures will be addressed through the North Dakota Department of Environmental Quality.

Q. Environmental justice policy

Construction work may result in a slight increase in employment and revenues, but no significant direct or indirect impact on minority or low-income populations is expected.

Chapter 4 Consultation and Coordination

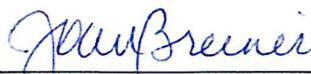
A letter to the U.S. Fish and Wildlife Service was sent on November 2, 2021, requesting concurrence for the 2022 Morton County Phase 3 AML Project. A response dated November 10, 2021, indicated no significant impact on fish and wildlife resources, and no endangered or threatened species are known to occupy the project area as described.

A letter was sent to the State Historical Society of North Dakota on November 2, 2021, requesting concurrence for the 2022 Morton County Phase 3 AML Project. The response dated November 12, 2021, concurred with the “No Historic Properties Affected” and “No Significant Sites” determination for the project.

A letter was sent to the North Dakota Department of Environmental Quality on November 2, 2021, requesting concurrence for the 2022 Morton County Phase 3 AML Project. The response dated November 16, 2021, indicated that planned activities are not likely to adversely affect surface or groundwater resources. The AML Division will remain in consultation with NDDEQ and will provide the NDDEQ with a copy of the solicitation and any requested reports.

A letter was sent to the North Dakota Parks and Recreation Department on November 2, 2021, requesting concurrence for the 2022 Morton County Phase 3 AML Project. The response dated November 16, 2021, indicated that planned activities do not appear to affect any properties that NDPRD owns, leases or manages. The response also stated that planned activities do not appear to affect properties protected under Section 6(f) of the Land and Water Conservation Fund.

Preparers

 12/3/2021

Joan Breiner
Assistant Director - AML Division
ND Public Service Commission



Michael Howe
Environmental Engineer - AML
ND Public Service Commission



APPENDIX 6.6 AML CATEGORICAL EXCLUSION DETERMINATION FORM
(REVISED JULY 2019)

ABANDONED MINE LANDS
CATEGORICAL EXCLUSION DETERMINATION

State: North Dakota PA # ND004, ND014, ND019, ND024, ND029

Project Name: 2022 Exploratory Drilling AML Project

Project Description/Proposed Action: *[Provide a detailed description of the project/proposed action (include what will be done and how)]*

The 2022 Exploratory Drilling AML Project will locate and characterize hazardous underground mine workings beneath public roads and occupied residences. This investigatory project is expected to be conducted near the cities of Beulah, Dickinson, Garrison, Noonan and Velva, North Dakota. Drilling will generally be done in road rights-of-way and residential areas. Surface disturbance will be very minimal. This project is to be conducted between April and July 2022. The estimated cost for this project is \$925,000.

Yes responses require submission of an Environmental Assessment (EA).

I. GENERAL EXCEPTIONS

Does the project type specifically require an EA in 516 DM Chapter 13, as specified in Item I of Appendix 6.5 of OSMRE's NEPA Handbook (2019)?

No Yes

II. DEPARTMENT OF THE INTERIOR EXCEPTIONS

Will the project have any of the following:

A significant adverse effect on public health or safety?

No Yes

An adverse effect on any of the following unique geographic characteristics?

No Yes

If yes, check the ones that apply.

Parks (State, Local, or National)

Wild or Scenic Rivers

- Recreation or Refuge Lands
- Wetlands
- Wilderness Areas
- Floodplains
- Ecologically Significant or Critical Areas
- Sole or Principal Drinking Water
- Prime Farmland
- Aquifers

Highly controversial environmental effects?

No Yes

Highly uncertain and potentially significant environmental effects or unique or unknown environmental risks?

No Yes

A precedent for future action or a decision in principle about future actions with potentially significant environmental effects?

No Yes

Directly related to other actions with individually insignificant but cumulatively significant environmental effects?

No Yes

Adverse effects on properties listed or eligible for listing on the National Register of Historic Places?

No Yes

Adverse effects on species listed or proposed to be listed on the List of Endangered or Threatened Species, or have adverse effects on designated Critical Habitat for these species?

No Yes

Require compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Wetlands Protection) or The Fish and Wildlife Coordination Act?

No Yes

Threaten to violate a Federal, State, Tribal or local law or requirement imposed for the protection of the environment?

No Yes

Involve unresolved conflicts concerning alternative uses of available resources (NEPA Sec. 102(2)(E))?

No Yes

Have a disproportionate, significant adverse effect on low income or minority populations (EO 12898)?

No Yes

Restrict access to and ceremonial use of Indian sacred sites by Indian religious practitioners or adversely affect the physical integrity of such sacred sites (EO 13007)

No Yes

Contribute to the introduction, continued existence, or spread of noxious Weeds or non-native invasive species known to occur in the area or actions

that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and EO 13112)?

No Yes

III. RESOURCE IMPACT EXCEPTIONS

Are there any unresolved issues, or adverse effects requiring specialized mitigation, for any of the following resources? If yes, check the ones that apply.

No Yes

- Topography
- Land Use (includes prime farmland)
- Soils
- Vegetation (includes wetlands)
- Hydrology
- Fish and Wildlife
- Historic and Cultural
- Recreation
- Air Quality
- Noise
- Other (includes socioeconomics)

IV. ATTACH CONSULATION LETTERS AND A LOCATION MAP

V. RESPONSIBLE OFFICIAL CERTIFICATION

Signature: Joan Breiner Date: 12/3/2021
 Name and Title: Joan Breiner, Assistant Director

VI. OSMRE DETERMINATION

This project conforms with the exclusion criteria in 516 DM Chapter 13, and is excluded from further NEPA compliance.

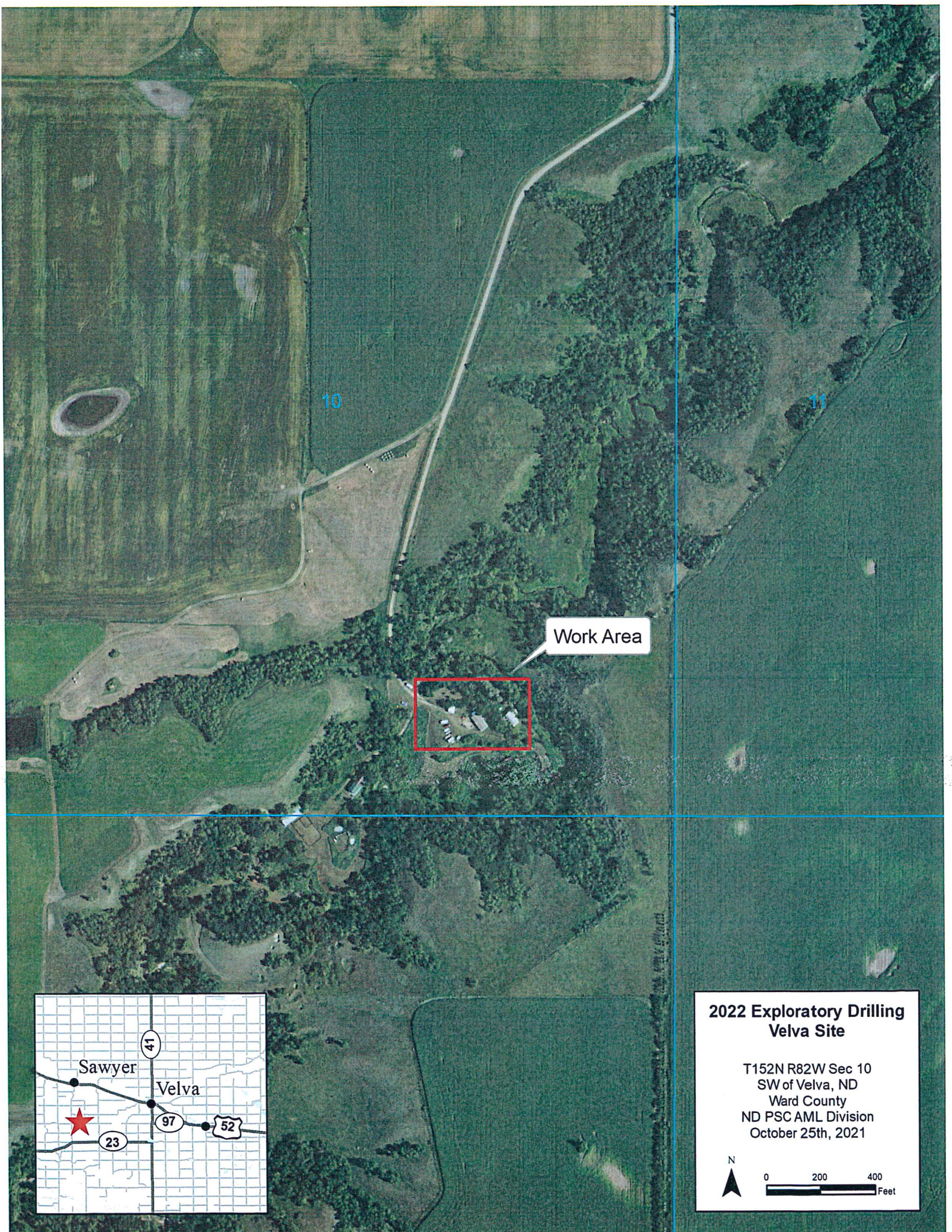
This project does not conform with the exclusion criteria in 516 DM Chapter 13, and requires an Environmental Assessment. As such, OSMRE will complete an *Evaluation of a Proposed Action* template (see Appendix 4.1 of OSMRE’s NEPA Handbook (2019)).

OSMRE Reviewer Signature: _____ Date: _____

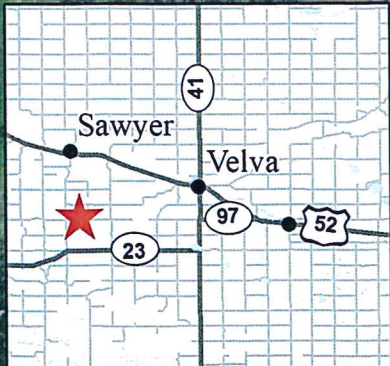
Name and Title: _____

Signature: _____ Date: _____

Name and Title: _____

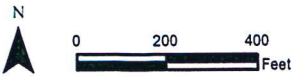


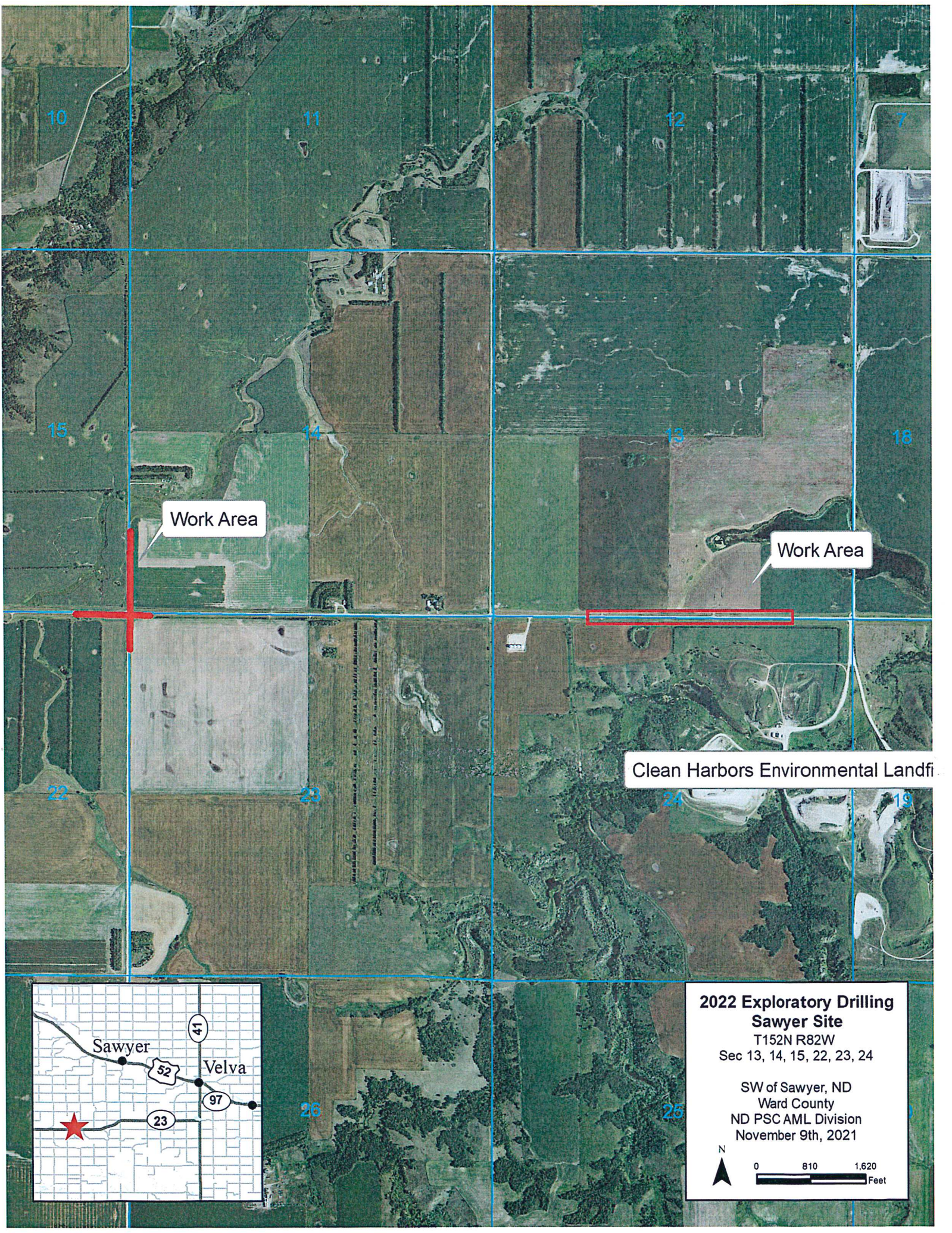
Work Area



**2022 Exploratory Drilling
Velva Site**

T152N R82W Sec 10
SW of Velva, ND
Ward County
ND PSC AML Division
October 25th, 2021

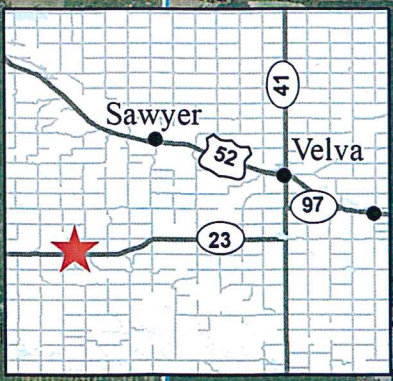




Work Area

Work Area

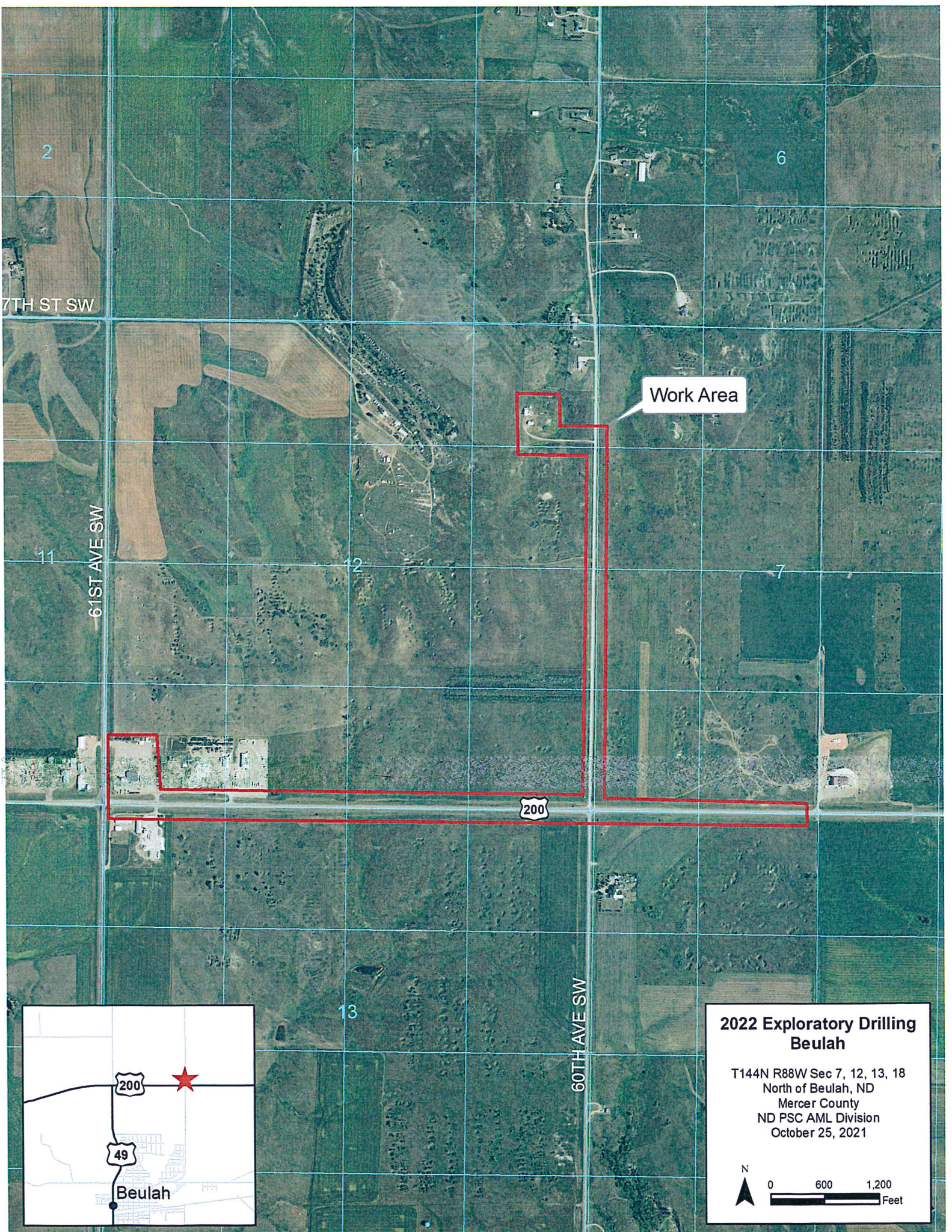
Clean Harbors Environmental Landfill



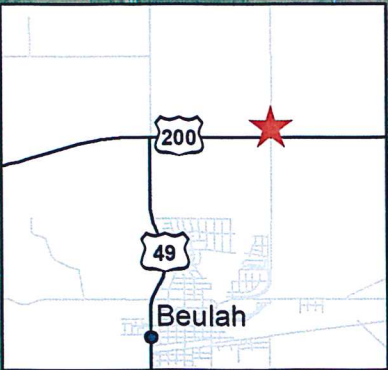
**2022 Exploratory Drilling
Sawyer Site**
T152N R82W
Sec 13, 14, 15, 22, 23, 24

SW of Sawyer, ND
Ward County
ND PSC AML Division
November 9th, 2021

N
0 810 1,620
Feet

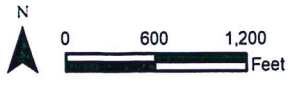


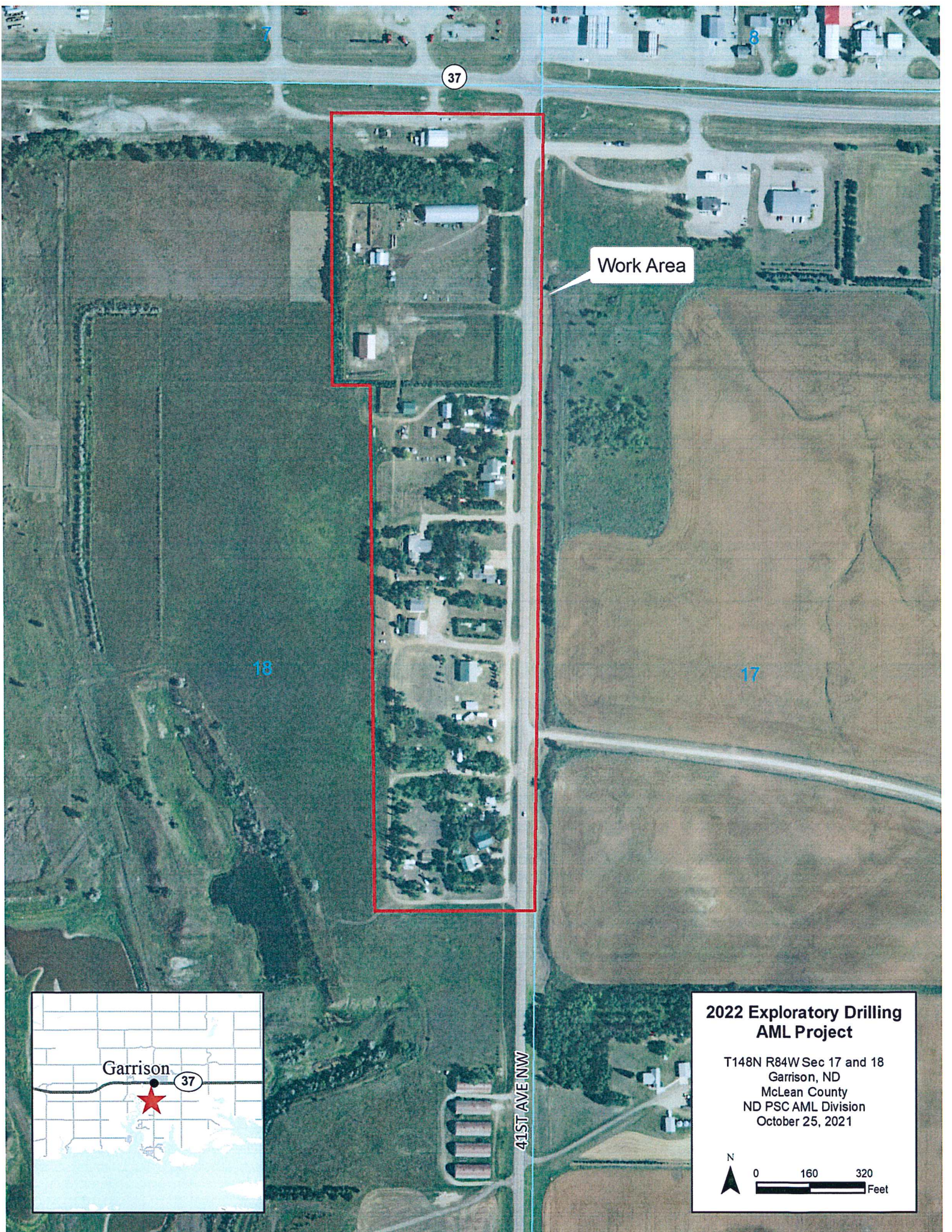
Work Area



**2022 Exploratory Drilling
Beulah**

T144N R88W Sec 7, 12, 13, 18
North of Beulah, ND
Mercer County
ND PSC AML Division
October 25, 2021





37

8

18

17

Work Area

41ST AVE NW



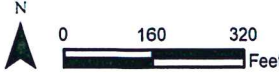
Garrison

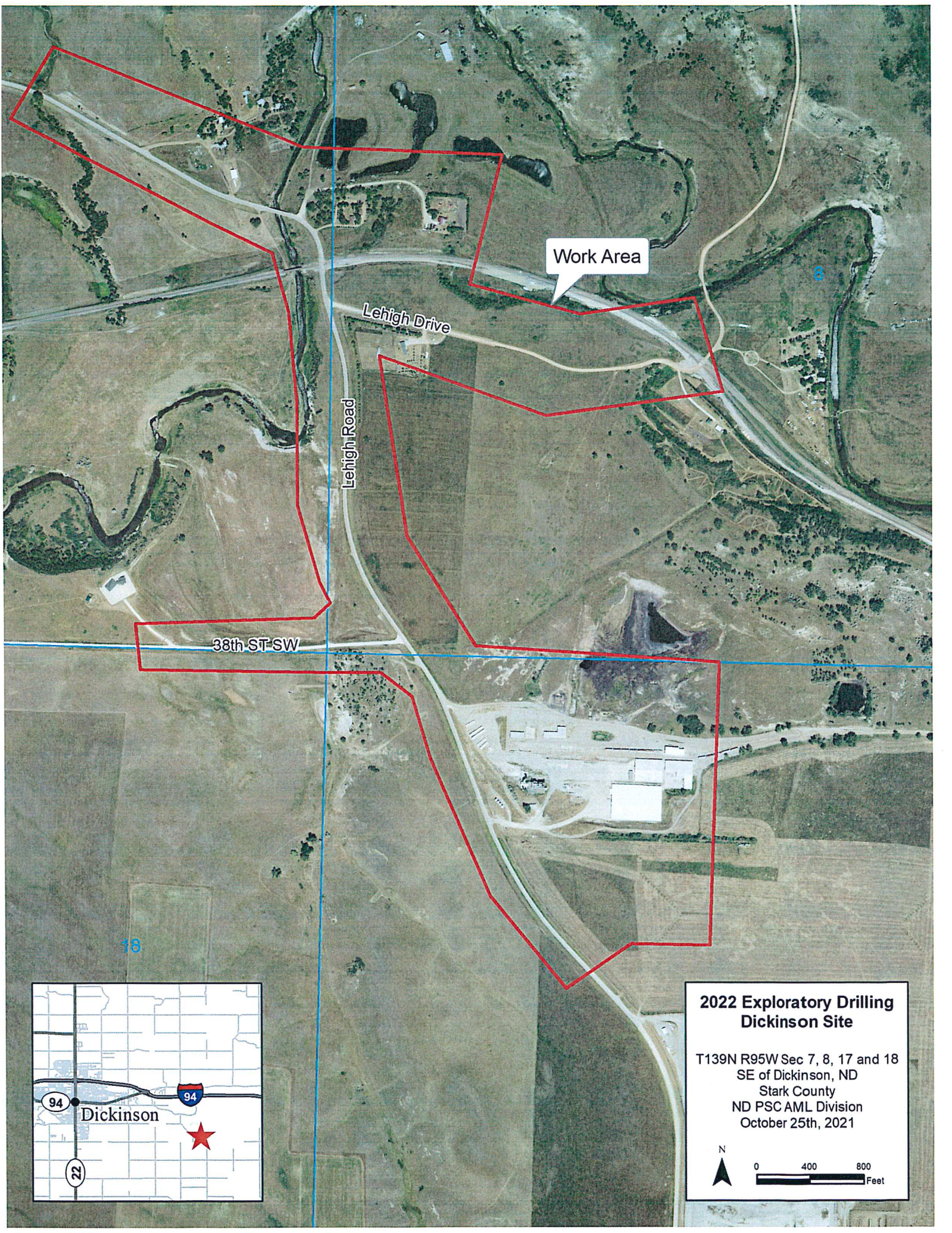


37

**2022 Exploratory Drilling
AML Project**

T148N R84W Sec 17 and 18
Garrison, ND
McLean County
ND PSC AML Division
October 25, 2021





Work Area

Lehigh Drive

Lehigh Road

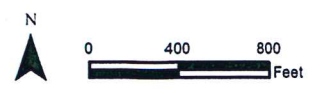
38th ST SW

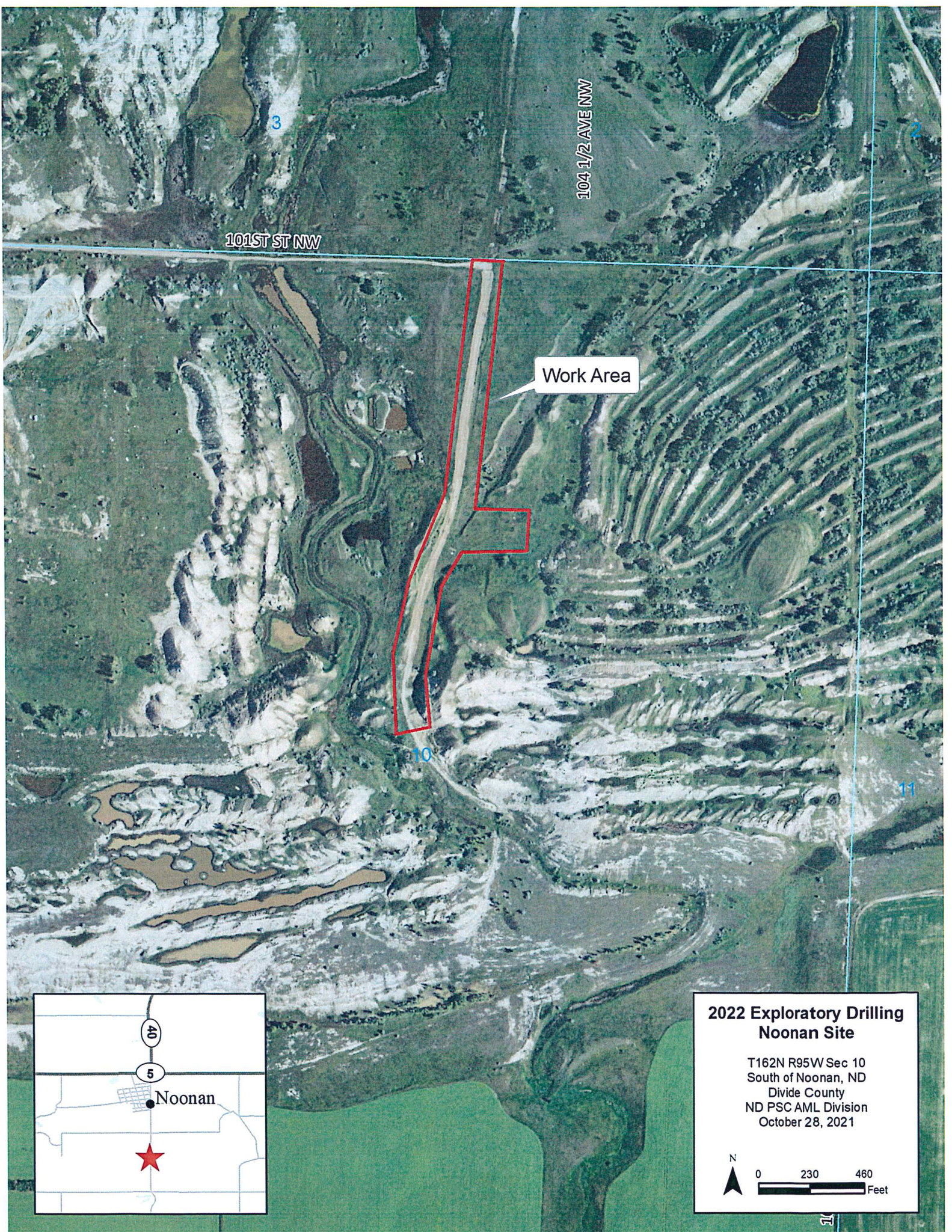
18



**2022 Exploratory Drilling
Dickinson Site**

T139N R95W Sec 7, 8, 17 and 18
SE of Dickinson, ND
Stark County
ND PSC AML Division
October 25th, 2021





101ST ST NW

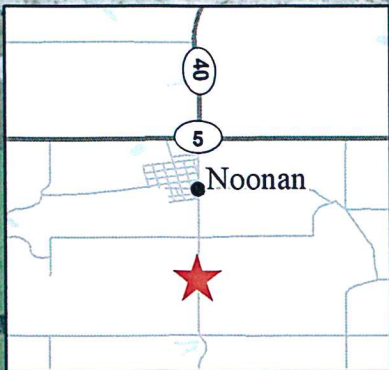
104 1/2 AVE NW

Work Area

3

10

11



**2022 Exploratory Drilling
Noonan Site**

T162N R95W Sec 10
South of Noonan, ND
Divide County
ND PSC AML Division
October 28, 2021





Public Service Commission

State of North Dakota

COMMISSIONERS

Julie Fedorchak
Randy Christmann
Brian Kroshus

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

November 2, 2021

William Peterson, Ph.D.
State Historic Preservation Officer
State Historical Society of North Dakota
612 East Boulevard Avenue
Bismarck, ND 58505-0830

Dear Dr. Peterson:

The Public Service Commission is planning reclamation activities in 2022 at Abandoned Mine Land (AML) Sites near Beulah, Velva, Belfield, Dickinson and Garrison. Contractors selected through competitive bidding will conduct all projects.

As part of the project approval process, our office requests concurrence that our proposed reclamation work will not adversely affect any historical or archaeological resources. Please reply regarding these proposed projects by **November 24, 2021**.

The 2022 Morton County Ph3 AML Project: The Youngstown abandoned surface coal mine contains 3234 feet of steep highwalls that are 20 to 25 feet high. The proposed reclamation work involves backsloping and backfilling the highwalls with on-site mine spoil and reducing the steepness of the highwalls. The property owners support the proposed reclamation project. Affected areas will be reseeded with locally adapted grass species native to western North Dakota. No off-site pit dewatering is planned, and erosion and sedimentation will be controlled. The total area affected is about 12 acres. Work is expected to be conducted between June and September 2022. The estimated cost for this project is \$200,000.

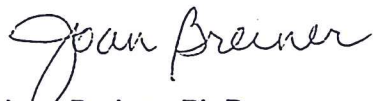
The 2022 Garrison Phase 5 AML Project: This remote backfilling project will stabilize underground coal mine workings along McLean County Highway 15 just south of the intersection with North Dakota State Highway 37 and near homes in the South Garrison Subdivision in McLean County. This project will use previously drilled and cased holes with additional drilling completed as needed. An estimated 2000 cubic yards of flowable fill will be pumped into mine workings. Work is expected to be conducted between July and September 2022. The total area affected will be less than 5 acres and surface disturbance will be minimal. The estimated cost for this project is \$770,000.

The 2022 Exploratory Drilling AML Project will locate and characterize underground mine workings beneath public roads and occupied residences. This investigatory project is expected to be conducted near the cities of Garrison, Beulah, Wilton, Velva, Williston, Dickinson and Noonan, North Dakota. Surface disturbance will be minimal. This project is to be conducted between April and July 2022. The estimated cost for this project is \$950,000.

We expect all these projects to be completed during the 2022 construction season. The attached maps provide more information and show proposed project locations.

Thank you for your assistance in this matter. If you have any questions or need more information, please contact me at jobreiner@nd.gov or 701.328.2412.

Sincerely,

A handwritten signature in cursive script that reads "Joan Breiner".

Joan Breiner, Ph.D.
Assistant Director
Abandoned Mine Lands Division

Enclosures



Public Service Commission

State of North Dakota

COMMISSIONERS

Julie Fedorchak
Randy Christmann
Brian Kroshus

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

November 2, 2021

Mr. Karl Rockeman, P.E.,
Director, Division of Water Quality
North Dakota Department of Environmental Quality
918 East Divide Avenue
Bismarck, ND 58501-1947

Dear Mr. Rockeman:

The Public Service Commission is planning reclamation activities in 2022 at Abandoned Mine Land (AML) Sites near Beulah, Velva, Belfield, Dickinson and Garrison. Contractors selected through competitive bidding will conduct all projects.

As part of the project approval process, our office requests concurrence that our proposed reclamation work will not adversely affect any surface or groundwater resources. Please reply regarding these proposed projects by **November 24, 2021**.

The 2022 Morton County Ph3 AML Project: The Youngstown abandoned surface coal mine contains 3234 feet of steep highwalls that are 20 to 25 feet high. The proposed reclamation work involves backsloping and backfilling the highwalls with on-site mine spoil and reducing the steepness of the highwalls. The property owners support the proposed reclamation project. Affected areas will be reseeded with locally adapted grass species native to western North Dakota. No off-site pit dewatering is planned, and erosion and sedimentation will be controlled. The total area affected is about 12 acres. Work is expected to be conducted between June and September 2022. The estimated cost for this project is \$200,000.

The 2022 Garrison Phase 5 AML Project: This remote backfilling project will stabilize underground coal mine workings along McLean County Highway 15 just south of the intersection with North Dakota State Highway 37 and near homes in the South Garrison Subdivision in McLean County. This project will use previously drilled and cased holes with additional drilling completed as needed. An estimated 2000 cubic yards of flowable fill will be pumped into mine workings. Work is expected to be conducted between July and September 2022. The total area affected will be less than 5 acres and surface disturbance will be minimal. The estimated cost for this project is \$770,000.

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Sincerely,

A handwritten signature in blue ink that reads "Joan Breiner". The signature is written in a cursive style with a large initial "J".

Joan Breiner, Ph.D.
Assistant Director
Abandoned Mine Lands Division

Enclosures



Public Service Commission

State of North Dakota

COMMISSIONERS

Julie Fedorchak
Randy Christmann
Brian Kroshus

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

November 2, 2021

Kathy Duttenhefner
Natural Resources Management Coordinator
ND Parks & Recreation Department
1600 East Century Ave. Suite 3
Bismarck, ND 58503

Dear Ms. Duttenhefner:

The Public Service Commission is planning reclamation activities in 2022 at Abandoned Mine Land (AML) Sites near Beulah, Velva, Belfield, Dickinson and Garrison. Contractors selected through competitive bidding will conduct all projects.

As part of the project approval process, our office requests concurrence that the following proposed reclamation work will not adversely affect any threatened, endangered or rare plant species. Please reply regarding these proposed projects by **November 24, 2021**.

The 2022 Morton County Ph3 AML Project: The Youngstown abandoned surface coal mine contains 3234 feet of steep highwalls that are 20 to 25 feet high. The proposed reclamation work involves backsloping and backfilling the highwalls with on-site mine spoil and reducing the steepness of the highwalls. The property owners support the proposed reclamation project. Affected areas will be reseeded with locally adapted grass species native to western North Dakota. No off-site pit dewatering is planned, and erosion and sedimentation will be controlled. The total area affected is about 12 acres. Work is expected to be conducted between June and September 2022. The estimated cost for this project is \$200,000.

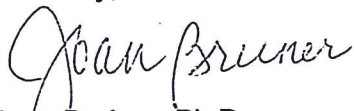
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Sincerely,

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Joan Breiner, Ph.D.
Assistant Director
Abandoned Mine Lands Division

Enclosures



Public Service Commission

State of North Dakota

COMMISSIONERS

Julie Fedorchak
Randy Christmann
Brian Kroshus

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

November 2, 2021

Jessica Johnson
U.S. Fish and Wildlife Service
Ecological Services
3425 Miriam Avenue
Bismarck, ND 58501-7926

Dear Ms. Johnson:

The Public Service Commission is planning reclamation activities in 2022 at Abandoned Mine Land (AML) Sites near Beulah, Velva, Belfield, Dickinson and Garrison. Contractors selected through competitive bidding will conduct all projects.

As part of the project approval process, our office requests concurrence that our proposed reclamation work will not adversely affect any threatened, endangered or rare animal or plant species. Please reply regarding these proposed projects by **November 24, 2021**.

The 2022 Morton County Ph3 AML Project: The Youngstown abandoned surface coal mine contains 3234 feet of steep highwalls that are 20 to 25 feet high. The proposed reclamation work involves backsloping and backfilling the highwalls with on-site mine spoil and reducing the steepness of the highwalls. The property owners support the proposed reclamation project. Affected areas will be reseeded with locally adapted grass species native to western North Dakota. No off-site pit dewatering is planned, and erosion and sedimentation will be controlled. The total area affected is about 12 acres. Work is expected to be conducted between June and September 2022. The estimated cost for this project is \$200,000.

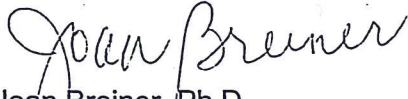
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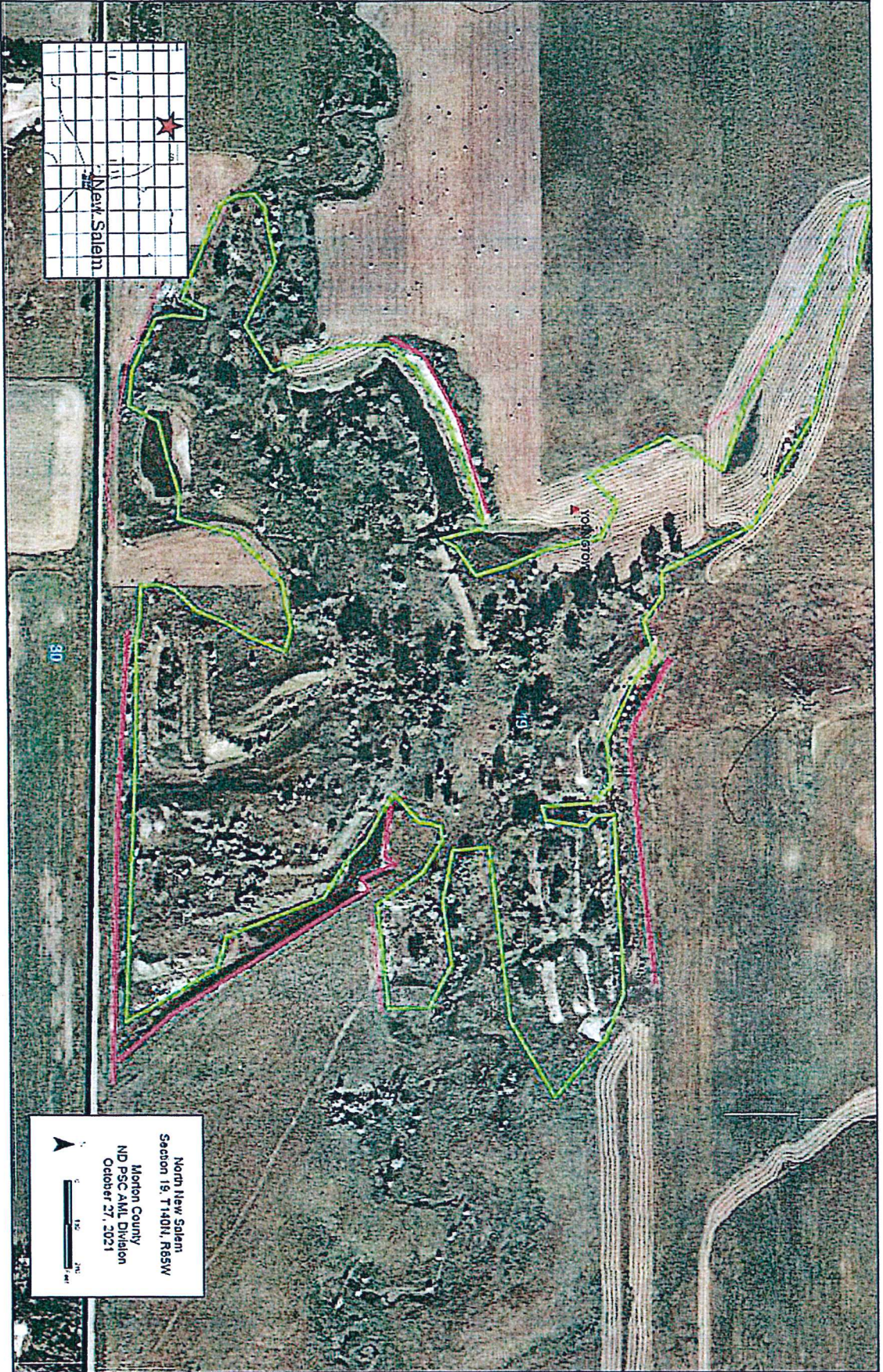
Thank you for your assistance in this matter. If you have any questions or need more information, please contact me at jobreiner@nd.gov or 701.328.2412.

Sincerely,

A handwritten signature in cursive script that reads "Joan Breiner".

Joan Breiner, Ph.D.
Assistant Director
Abandoned Mine Lands Division

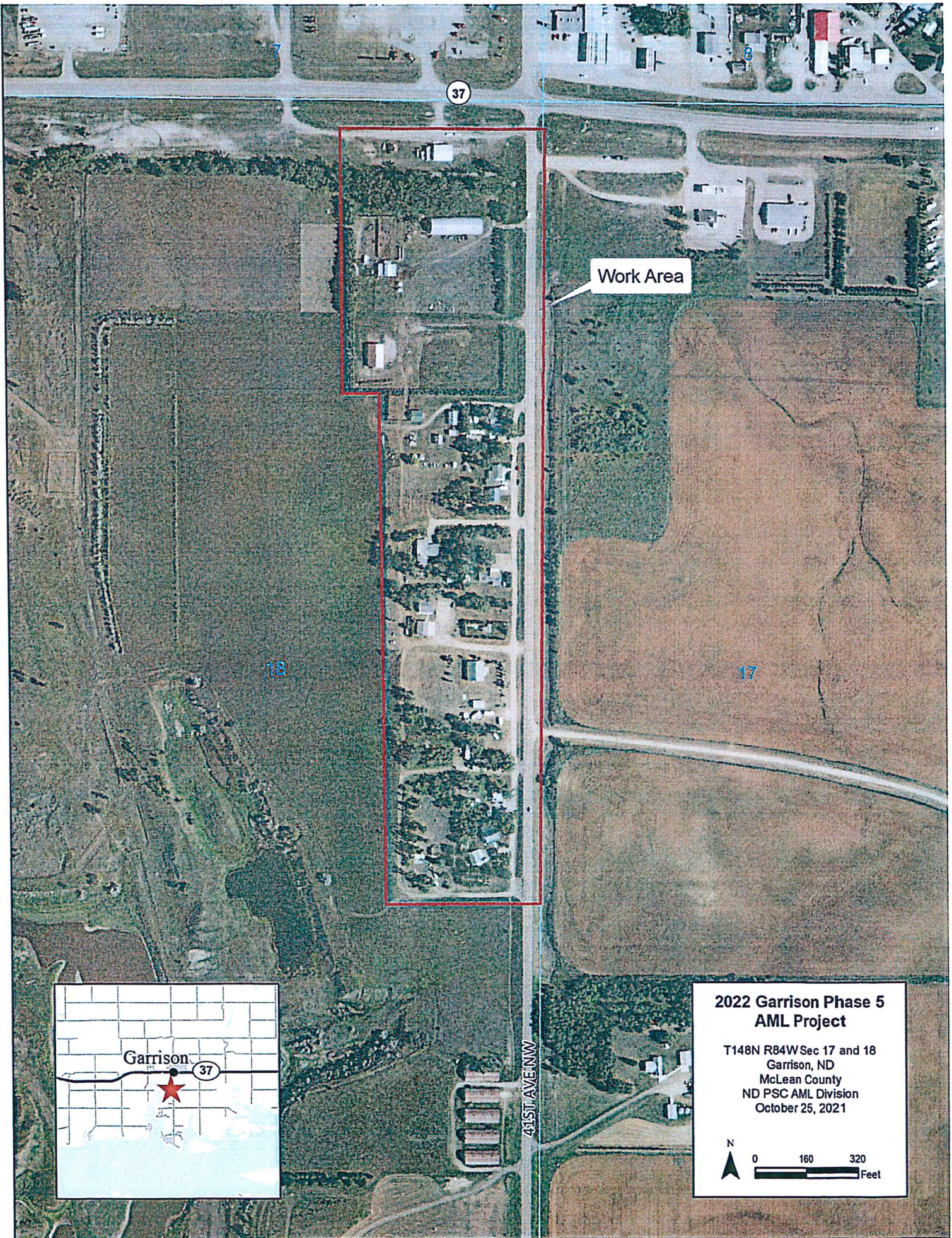
Enclosures



North New Salem
Section 19, T140N, R85W
Morton County
ND PSC AML Division
October 27, 2021



A north arrow pointing upwards and a scale bar below it. The scale bar is marked with 0, 100, and 200 feet.

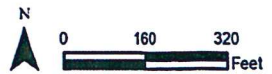


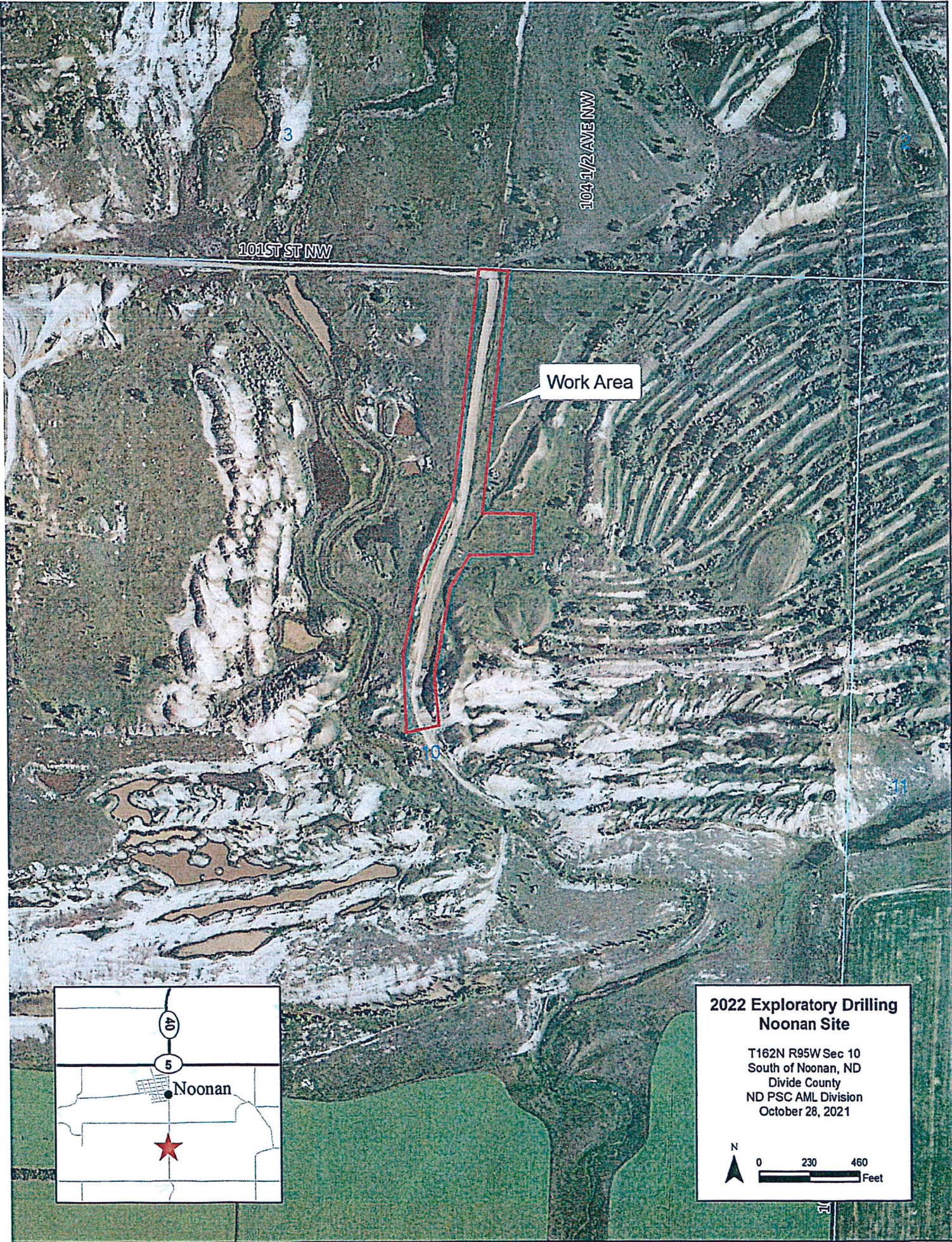
Work Area



**2022 Garrison Phase 5
AML Project**

T148N R84W Sec 17 and 18
Garrison, ND
McLean County
ND PSC AML Division
October 25, 2021





101ST ST NW

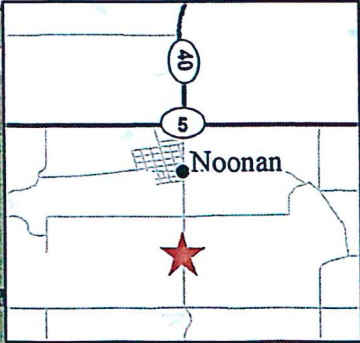
104 1/2 AVE NW

3

Work Area

10

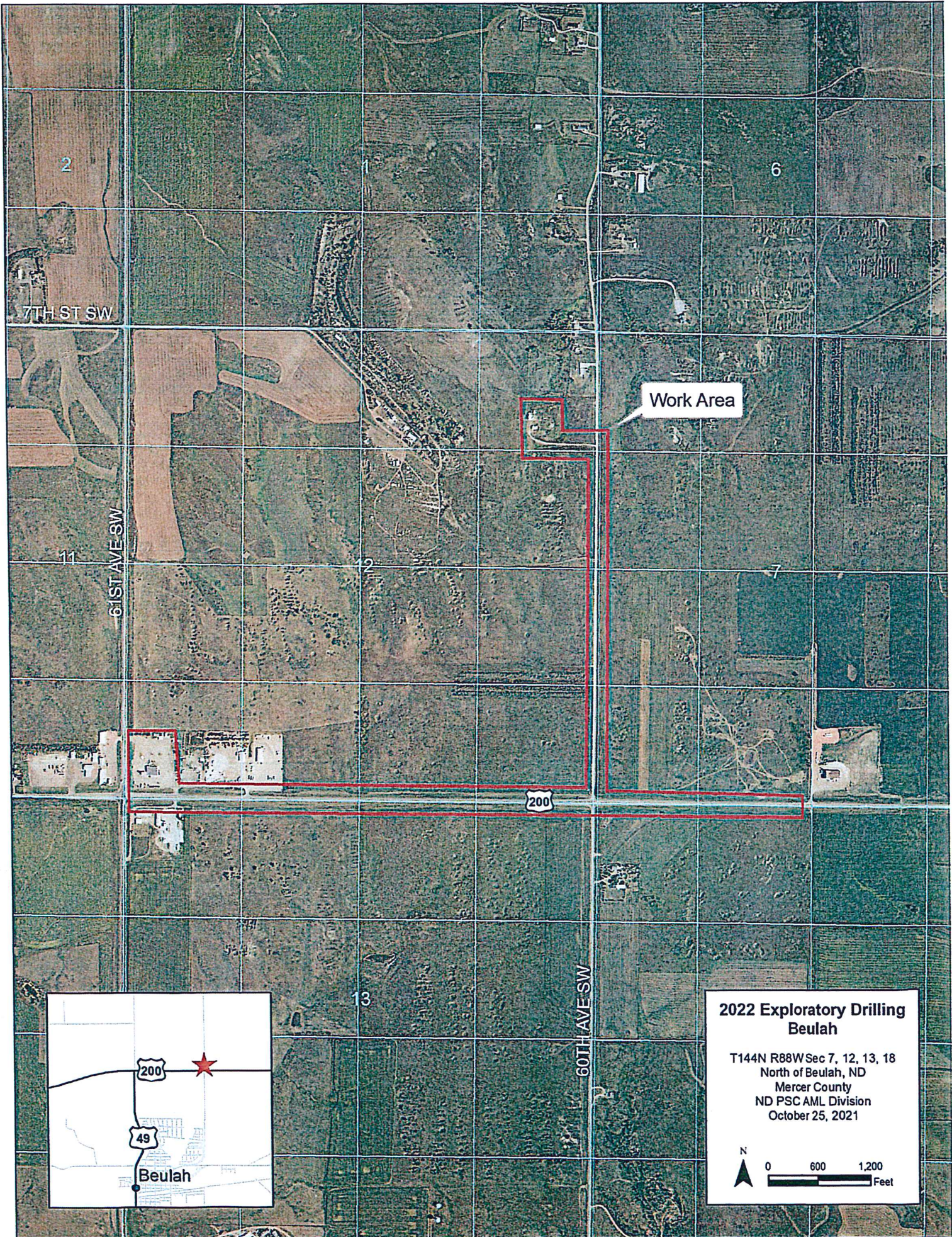
11



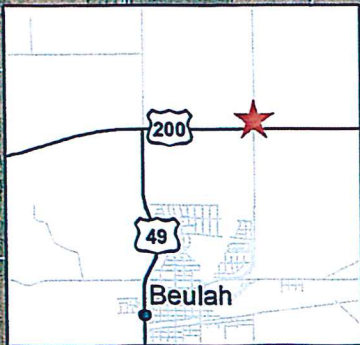
**2022 Exploratory Drilling
Noonan Site**

T162N R95W Sec 10
South of Noonan, ND
Divide County
ND PSC AML Division
October 28, 2021





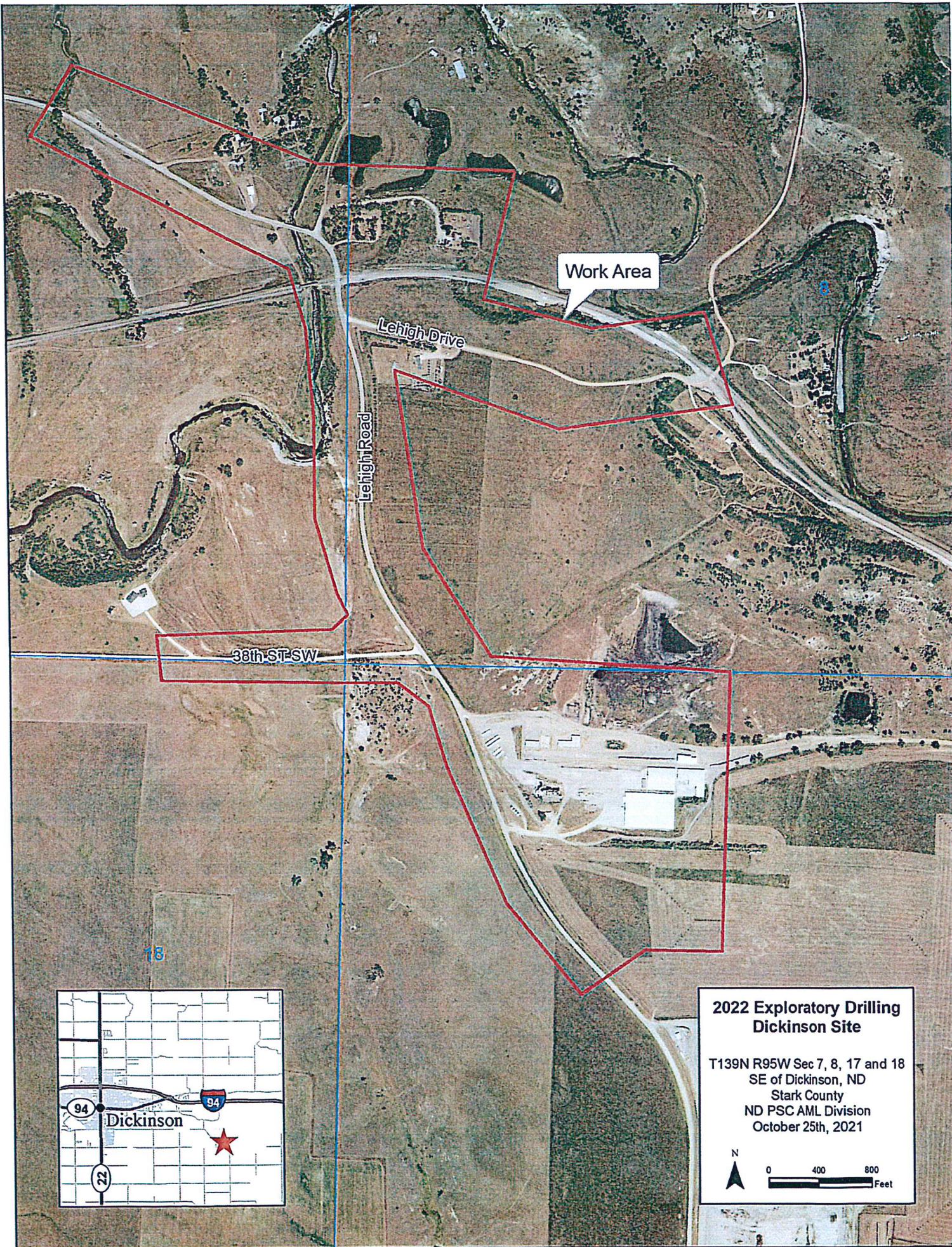
Work Area



**2022 Exploratory Drilling
Beulah**

T144N R88W Sec 7, 12, 13, 18
North of Beulah, ND
Mercer County
ND PSC AML Division
October 25, 2021

N
0 600 1,200 Feet



Work Area

Lehigh Drive

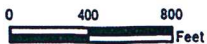
Lehigh Road

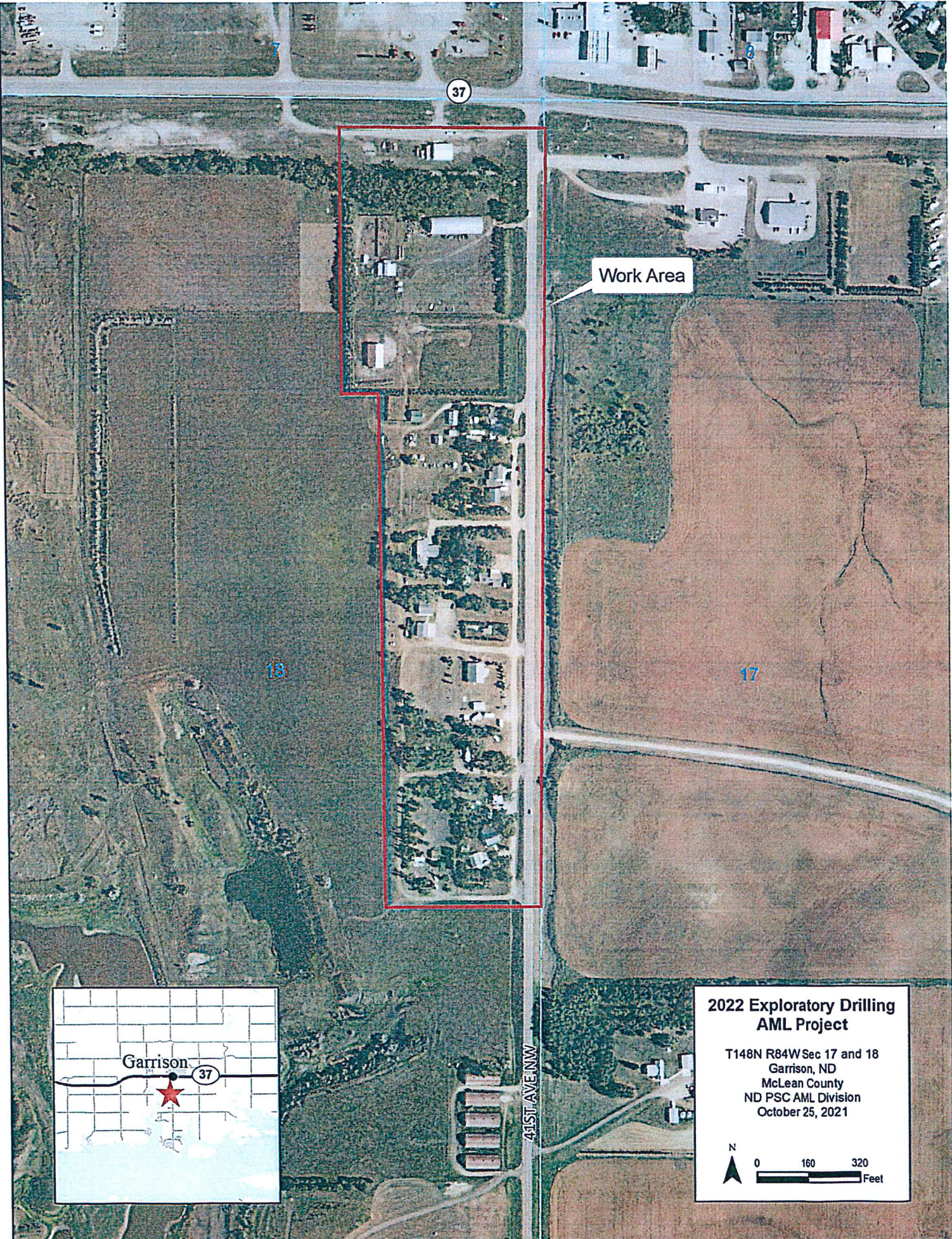
38th St SW

18

**2022 Exploratory Drilling
Dickinson Site**

T139N R95W Sec 7, 8, 17 and 18
SE of Dickinson, ND
Stark County
ND PSC AML Division
October 25th, 2021





Work Area

37

13

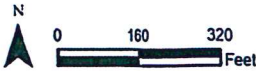
17

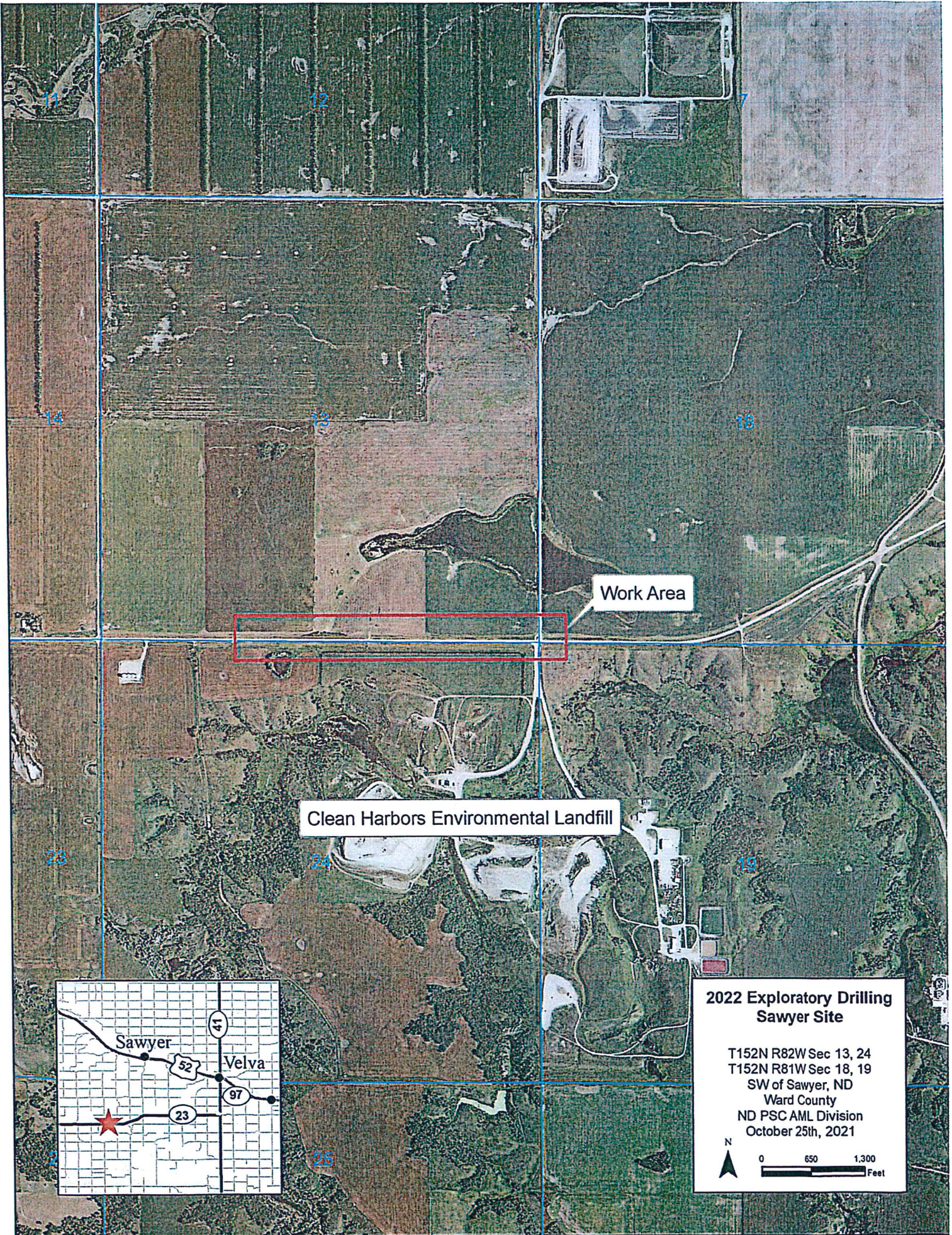
41ST AVENUE NW



**2022 Exploratory Drilling
AML Project**

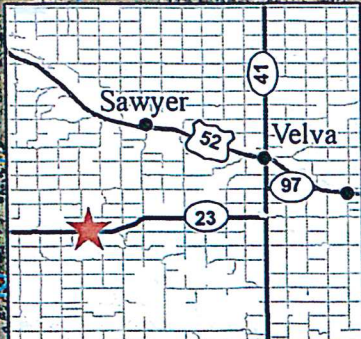
T148N R84W Sec 17 and 18
Garrison, ND
McLean County
ND PSC AML Division
October 25, 2021





Work Area

Clean Harbors Environmental Landfill

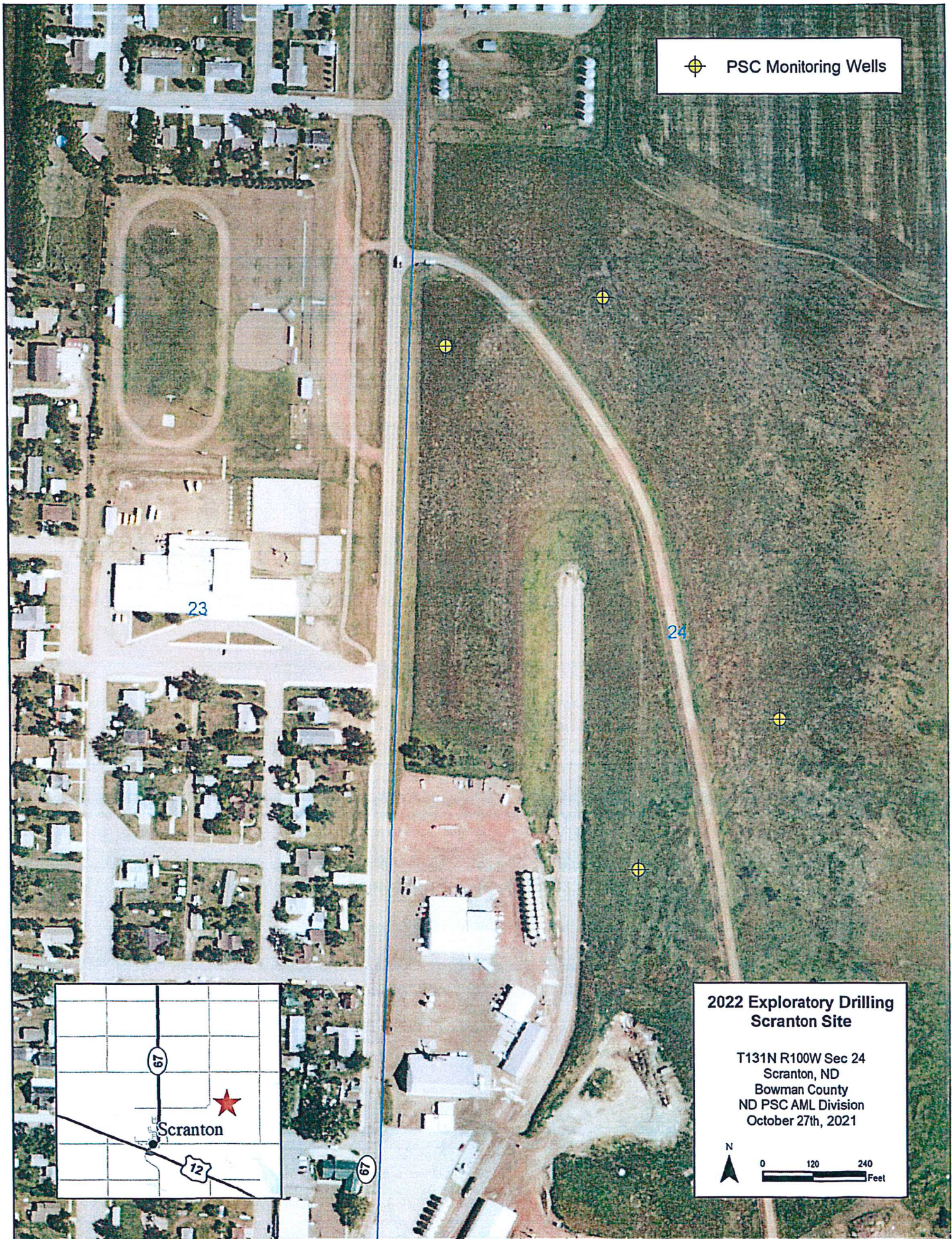


**2022 Exploratory Drilling
Sawyer Site**

T152N R82W Sec 13, 24
T152N R81W Sec 18, 19
SW of Sawyer, ND
Ward County
ND PSC AML Division
October 25th, 2021

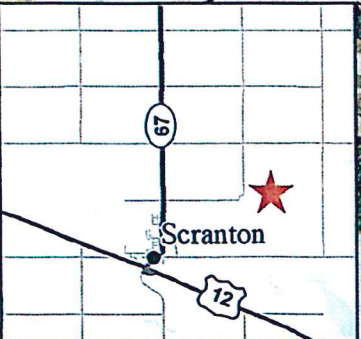
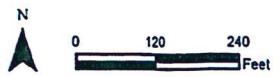
N
0 650 1,300
Feet

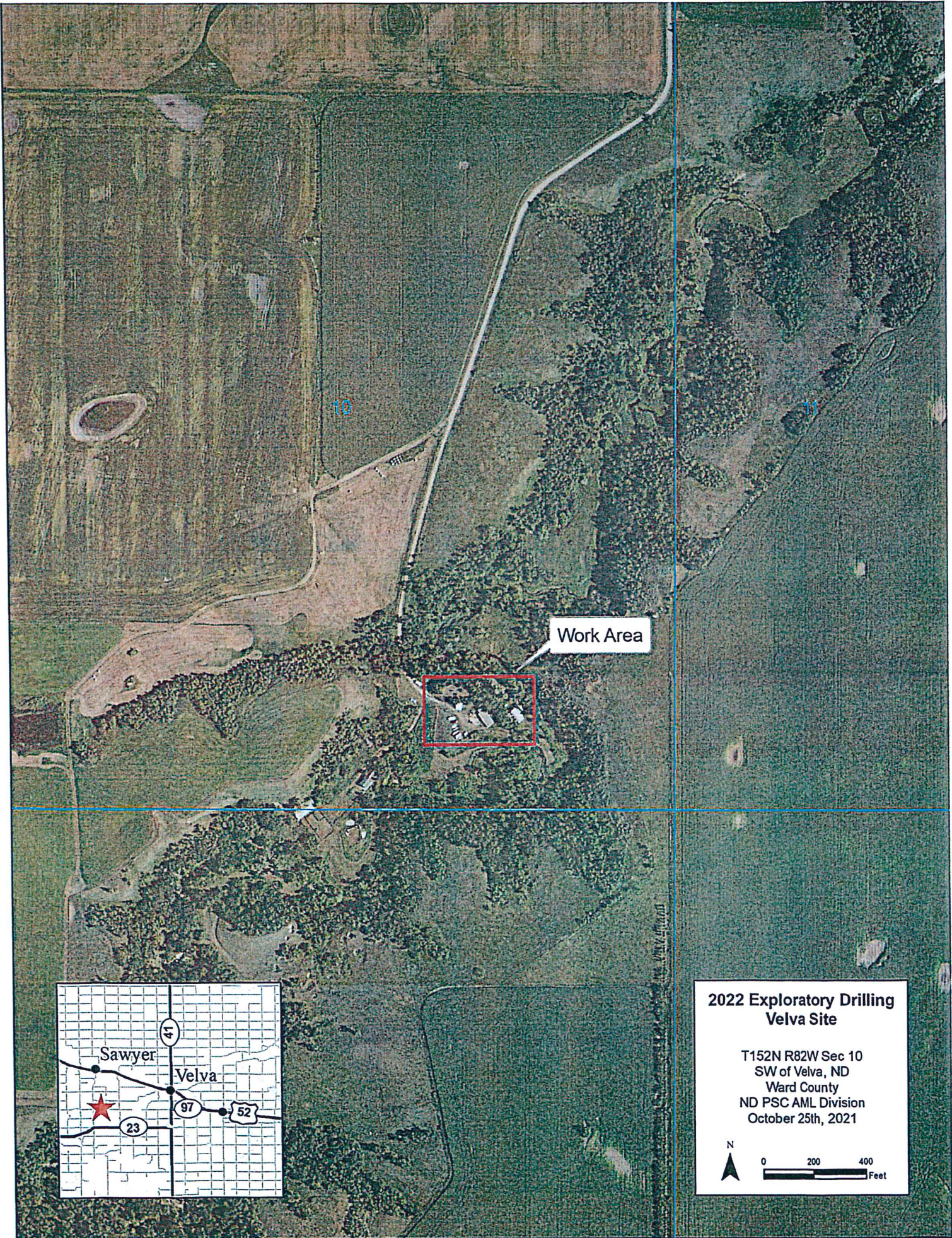
⊕ PSC Monitoring Wells



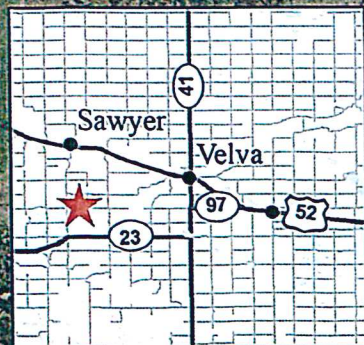
**2022 Exploratory Drilling
Scranton Site**

T131N R100W Sec 24
Scranton, ND
Bowman County
ND PSC AML Division
October 27th, 2021





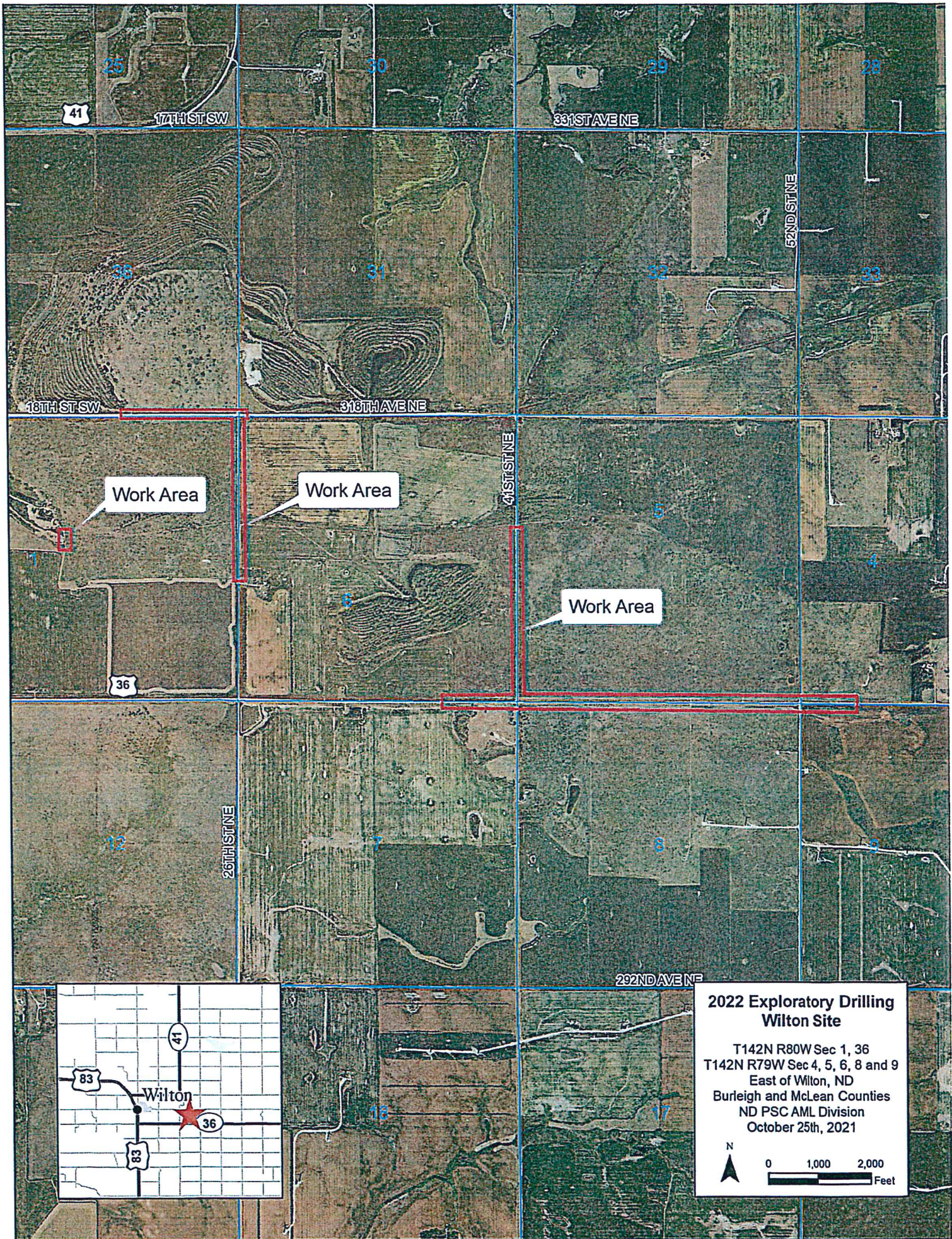
Work Area



**2022 Exploratory Drilling
Velva Site**

T152N R82W Sec 10
SW of Velva, ND
Ward County
ND PSC AML Division
October 25th, 2021

N
0 200 400
Feet





November 12, 2021

Dr. Joan Breiner
Abandoned Mine Lands Division
600 E Boulevard, Dept 408
Bismarck, ND 58505-0480

ND SHPO Ref.: 22-0046 2022 AML reclamation projects in portions of 30 Sections in Bowman, Burleigh, McLean, Mercer, Morton, Ward, and Williams Counties, North Dakota

Dear Dr. Breiner,

We reviewed ND SHPO Ref.: 22-0046 2022 AML reclamation projects in portions of 30 Sections in Bowman, Burleigh, McLean, Mercer, Morton, Ward, and Williams Counties, North Dakota under the names 2022 Morton County Ph3 AML Project (North New Salem); 2022 Garrison Phase 5 AML Project; 2022 Exploratory Drilling AML Project and we concur with a determination of "No Historic Properties Affected" for this project provided it takes place in the location and in the manner described in the documentation.

Thank you for the opportunity to review this project. Please include the ND SHPO Reference number listed above in further correspondence for this specific project. If you have any questions, please contact Lorna Meidinger, Historic Preservation Specialist at (701) 328-2089 or lbmeidinger@nd.gov

Sincerely,

for William D. Peterson PhD
State Historic Preservation Officer
(North Dakota)

22-0046

RECEIVED

November 16, 2021

SEP 19 2021

Ms. Joan Breiner
Assistant Director
Abandoned Mine Lands Division
Public Service Commission
600 East Boulevard Avenue
Dept 408
Bismarck, ND 58505-0408

NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Subject: 2022 Proposed Mine Reclamation Projects

Ms. Breiner,

The North Dakota Department of Environmental Quality has reviewed the proposed mine reclamation projects summarized in your November 2, 2021, letter. The reclamation areas where the injection of grout will occur have been mapped in relation to aquifers, wellhead protection areas, and existing wells (maps included). Reclamation activities should be conducted in a manner that minimizes potential impacts to water supply wells located in the vicinity of the sites.

The Morton County project involves backsloping and backfilling the highwalls and reducing the steepness of the highwalls; no dewatering is anticipated. The project area disturbs more than one acre and will require coverage under the North Dakota Pollutant Discharge Elimination System (NDPDES) general construction permit.

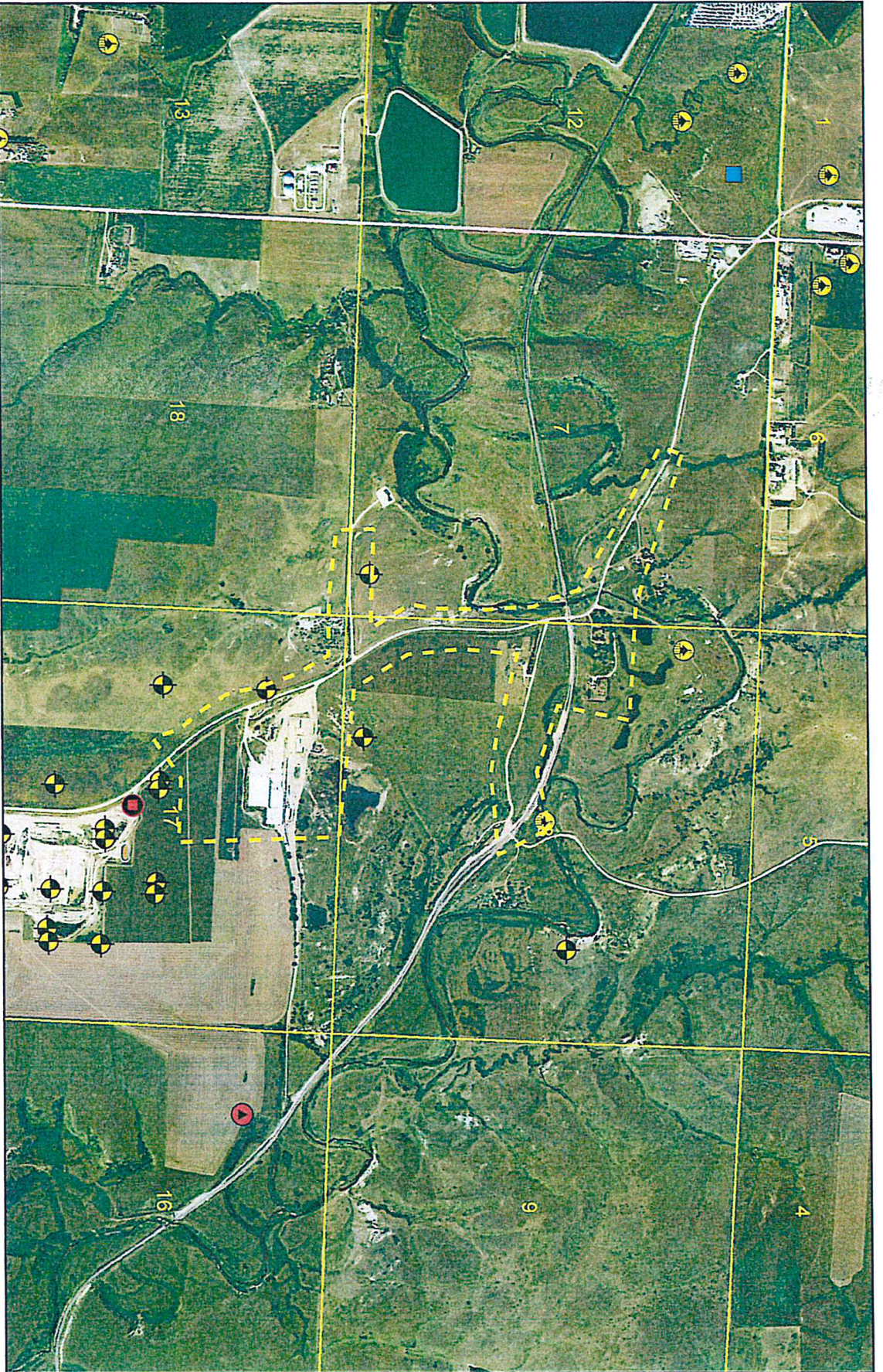
The Garrison Phase 5 project involves drilling holes into underground mines and filling the mines with flowable fill to stabilize underground coal mine workings. This project will not require a NDPDES permit. Practices must be implemented to ensure overflow and waste material will not enter waters of the state.

We appreciate the opportunity to review the planned reclamation activities. If you have any questions, please contact me at 701-328-5213.

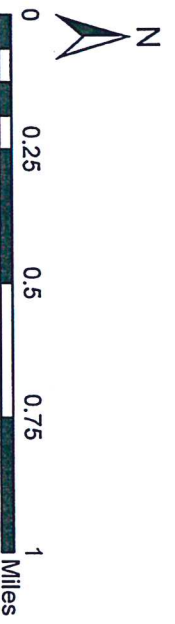
Sincerely,



Carl Anderson
Groundwater Protection Manager
NDDEQ – Division of Water Quality

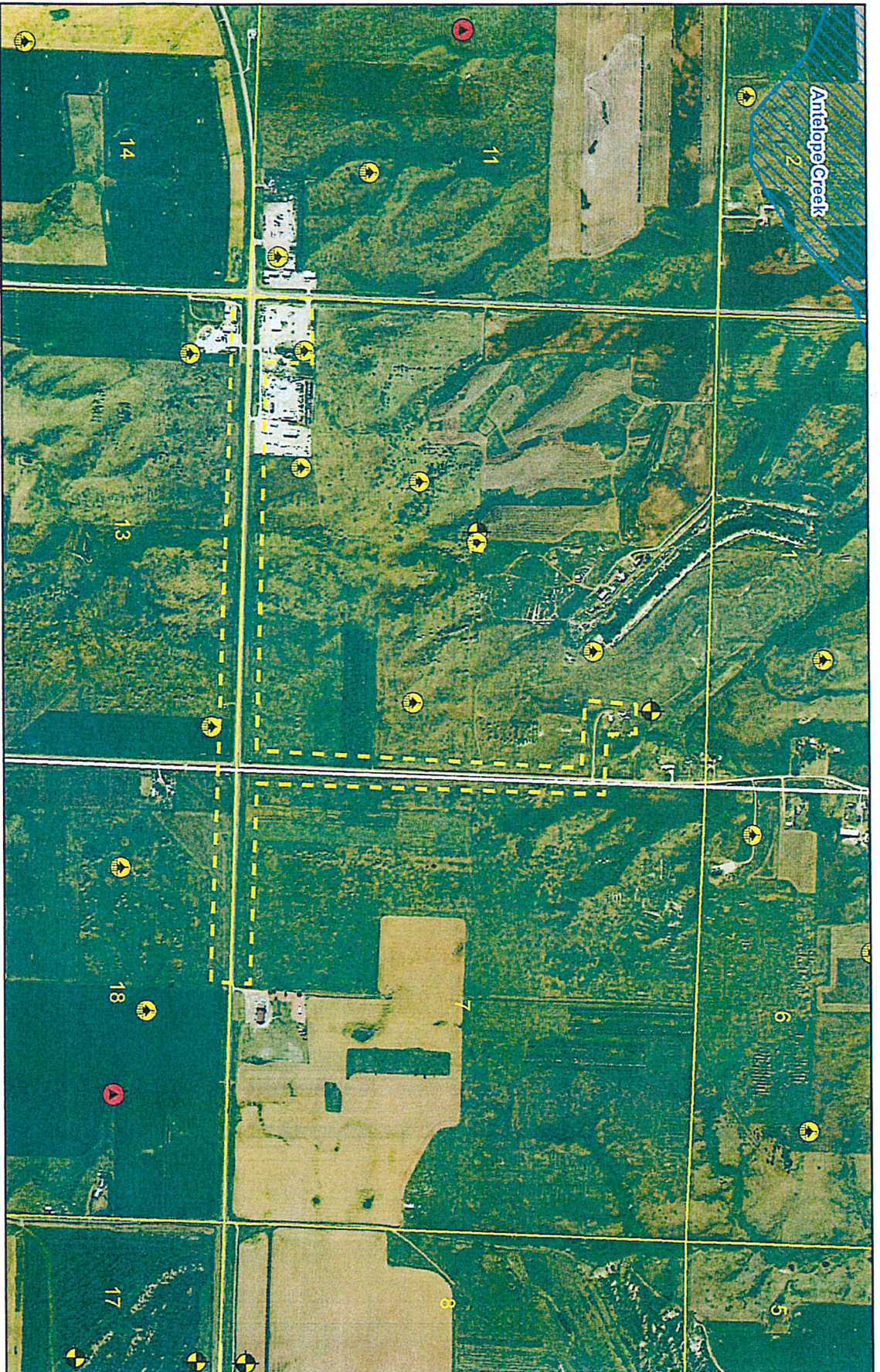


	Area of Interest		Observation Well
	Township & Rng		Stock Well
	Section		Commercial
	Domestic Well		Industrial Well



2022 Exploratory Drilling Dickinson Site

TRS: T139N R95W Sec. 7, 8, 17, 18
 Stark County
 ND PSC AML Division



2022 Exploratory Drilling Beulah Site

TRS: T144N R88W Sec. 7, 12, 13, 18
 Mercer County
 ND PSC AML Division

11/5/2021
 C. Gleich



Area of Interest
 Township & Ring
 Section
 Domestic Well
 Observation Well



2022 Exploratory Drilling Sawyer Site

TRS: T152N R81W R82W Sec. 13, 18, 19, 24
 Ward County
 ND PSC AML Division

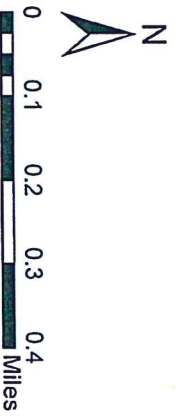
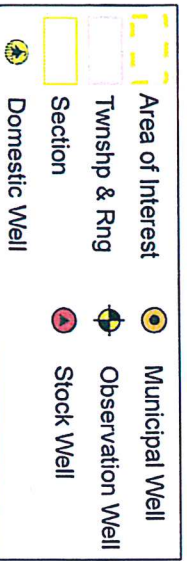


Area of Interest
Section
Observation Well



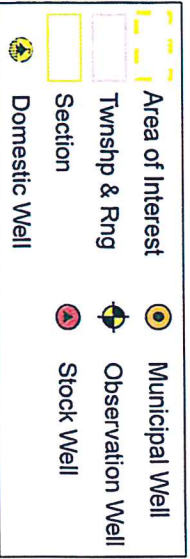
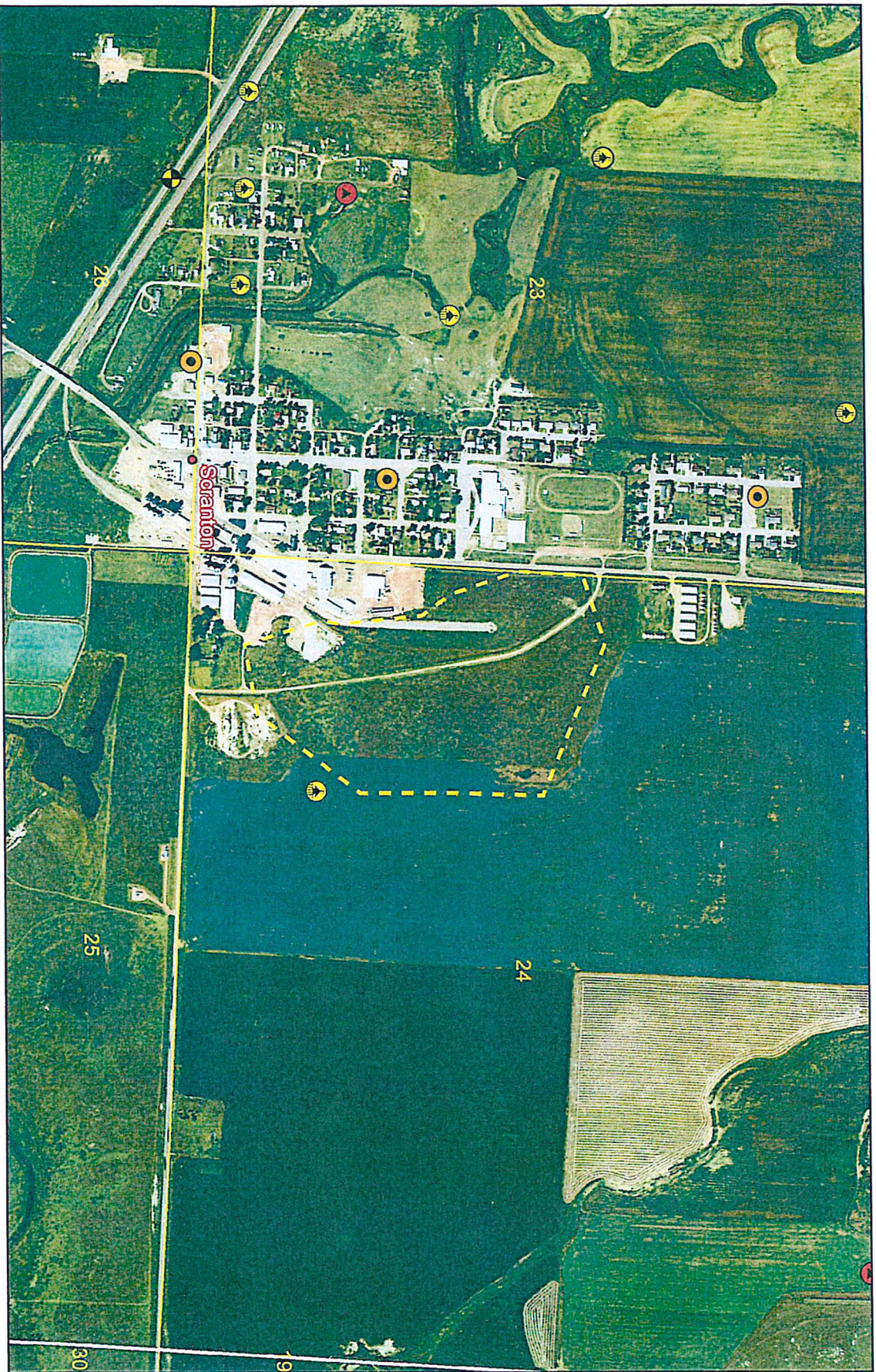
2022 Exploratory Drilling Noonan Site

TRS: T162N R96W Sec. 10
Divide County
ND PSC AML Division



2022 Exploratory Drilling Velva Site

TRS: T152N R82W Sec. 10
 Ward County
 ND PSC AML Division



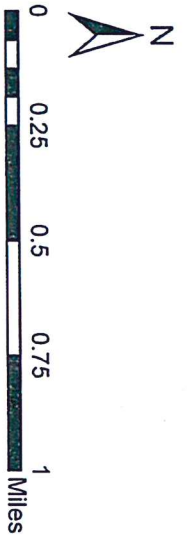
2022 Exploratory Drilling Scranton Site

TRS: T131N R100W Sec. 24
 Bowman County
 ND PSC AML Division

11/5/2021
 C. Gleich

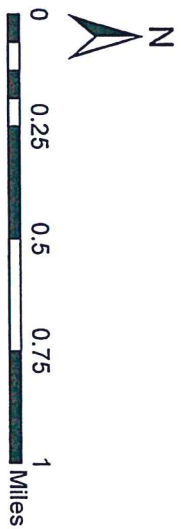


	Area of Interest		Industrial Well
	Aquifer		Irrigation Well
	Sensitive GW Area		Municipal Well
	Township & Rng		Observation Well
	Section		Stock Well
	Domestic Well		



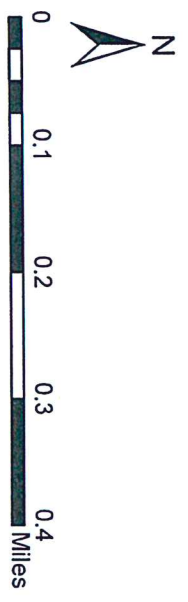
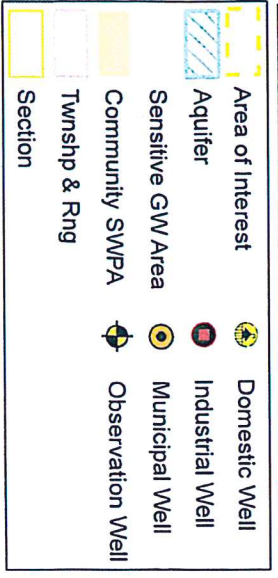
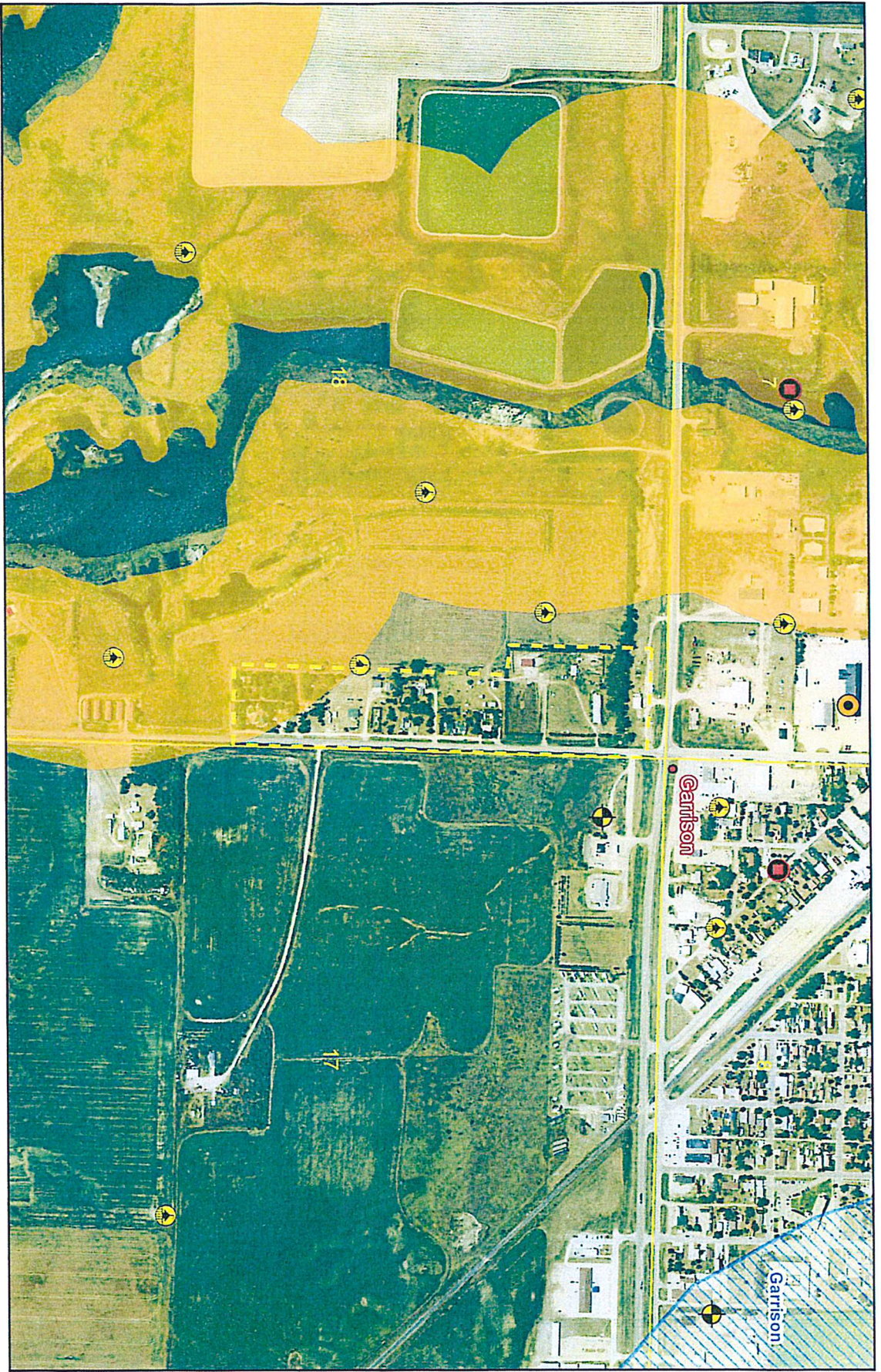
2022 Exploratory Drilling Williston Site

TRs: T154N R100W Sec. 7, 17, 20, 21
 Williams County
 ND PSC AML Division



2022 Exploratory Drilling Wilton Site

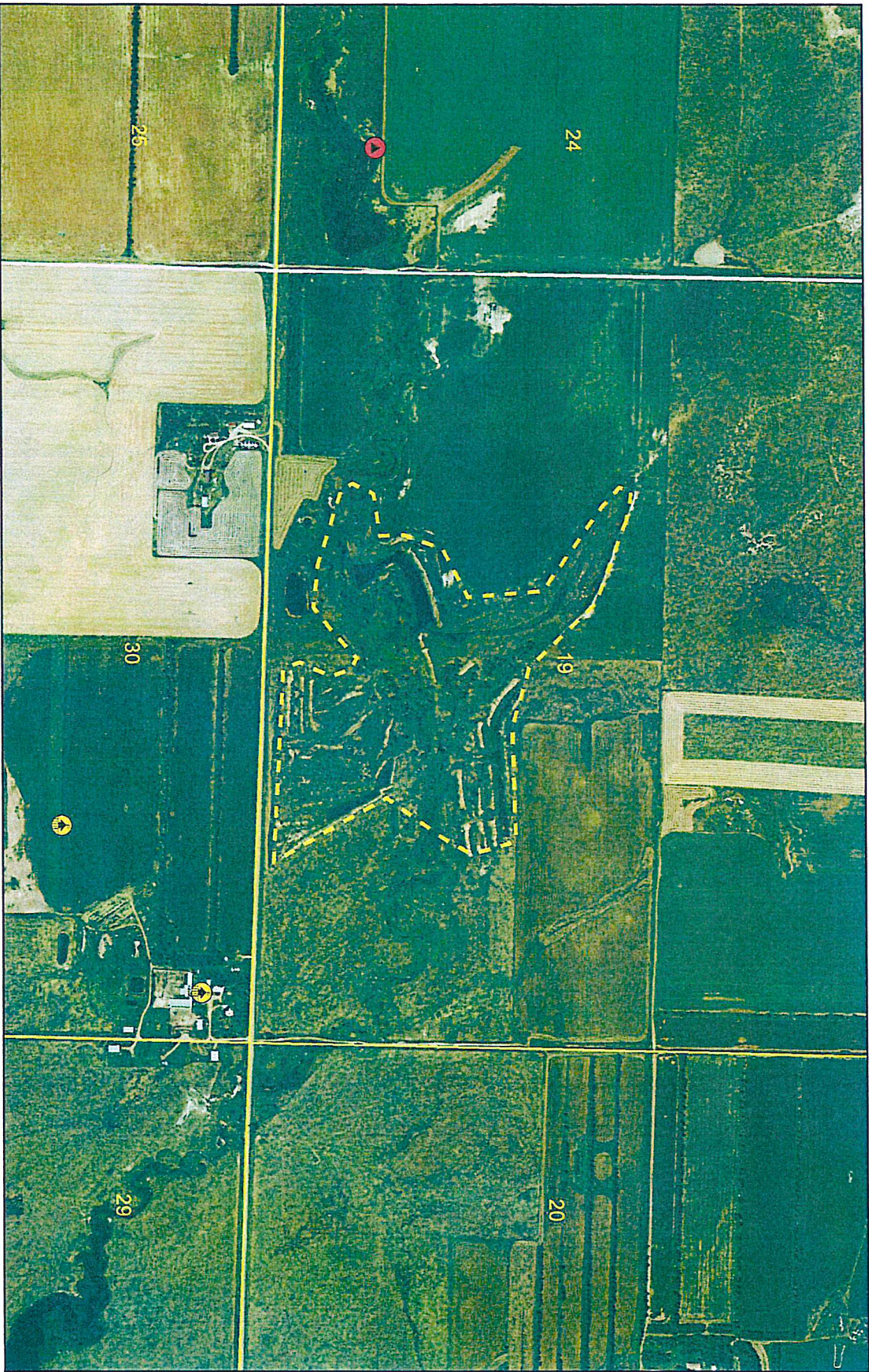
TRS: T142N R79W R80W
 Burleigh & McLean Counties
 ND PSC AML Division



2022 Garrison Phase 5 AML Project

TRS: T148N R84W Sec. 17 & 18
 McLean County
 ND PSC AML Division

11/5/2021
 C. Gleich



Area of Interest
 Township & Rng
 Section
▲ Domestic Well
▼ Stock Well



North New Salem
 TRS: T140N R85W Sec. 19
 Morton County
 ND PSC AML Division

11/5/2021
 C. Glersch

November 16, 2021

Joan Breiner
ND PSC
600 East Boulevard, Dept. 408
Bismarck, ND 58505-0480

Re: 2022 Abandoned Mine Land Sites near Beulah, Velva, Belfield, Dickinson, and Garrison

Dear Ms. Breiner,

The North Dakota Parks and Recreation Department (NDPRD) has reviewed the above-referenced 2022 Abandoned Mine Land Sites near the Cities of Beulah, Velva, Belfield, Dickinson, and Garrison, North Dakota. NDPRD's scope of authority and expertise covers properties that NDPRD owns, leases, or manages; properties protected under Section 6(f) of the Land and Water Conservation Fund (LWCF); rare plants and ecological communities established through the Natural Heritage Program.

The project does not appear to affect properties that NDPRD owns, leases, or manages.

The project does not appear to affect any properties protected under Section 6(f) of the LWCF.

A North Dakota Natural Heritage biological conservation database query determines if any current or historical plant or animal species of concern or other significant ecological communities are known to occur within an approximate one-mile radius of the project area. Based on this review, we have no known plant and animal species of concern or significant ecological communities documented within the project sites.

We appreciate your commitment to rare plant, animal, and ecological community conservation, management, and inter-agency cooperation to date. For additional information, please get in touch with Natural Resources Coordinator Kathy Duttenhefner at 701-328-5370, 701-220-3377 (cell), or kgduttenhefner@nd.gov.

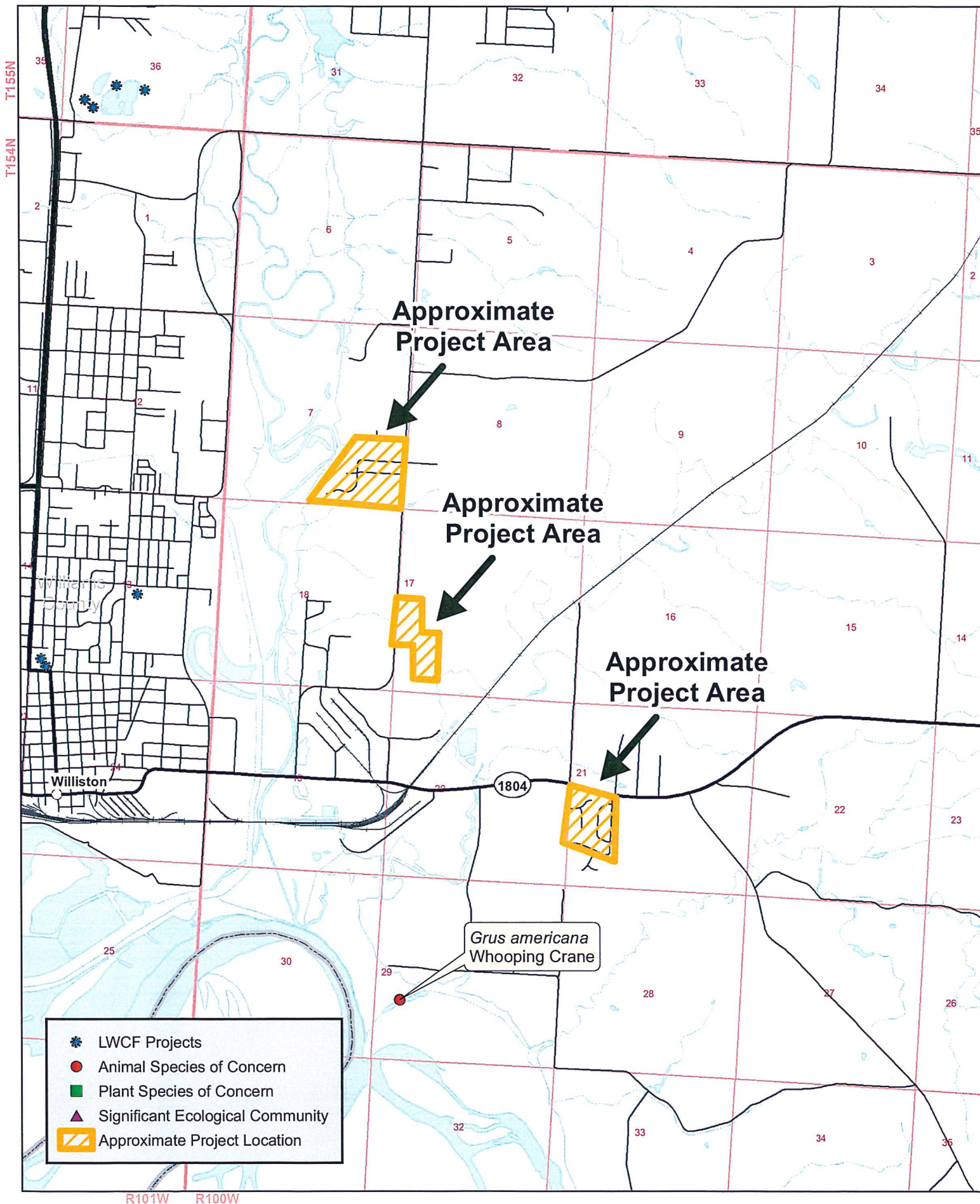
Thank you for the opportunity to comment on the proposed project.

Sincerely,



Kathy Duttenhefner, Coordinator/Biologist II
Natural Resources Division

North Dakota Parks and Recreation Department North Dakota Natural Heritage Inventory





Public Service Commission

State of North Dakota

COMMISSIONERS

Julie Fedorchak
Randy Christmann
Brian Kroshus

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

November 2, 2021

Jessica Johnson
U.S. Fish and Wildlife Service
Ecological Services
3425 Miriam Avenue
Bismarck, ND 58501-7926

Dear Ms. Johnson:

The Public Service Commission is planning reclamation activities in 2022 at Abandoned Mine Land (AML) Sites near Beulah, Velva, Belfield, Dickinson and Garrison. Contractors selected through competitive bidding will conduct all projects.

As part of the project approval process, our office requests concurrence that our proposed reclamation work will not adversely affect any threatened, endangered or rare animal or plant species. Please reply regarding these proposed projects by **November 24, 2021**.

The 2022 Morton County Ph3 AML Project: The Youngstown abandoned surface coal mine contains 3234 feet of steep highwalls that are 20 to 25 feet high. The proposed reclamation work involves backsloping and backfilling the highwalls with on-site mine spoil and reducing the steepness of the highwalls. The property owners support the proposed reclamation project. Affected areas will be reseeded with locally adapted grass species native to western North Dakota. No off-site pit dewatering is planned, and erosion and sedimentation will be controlled. The total area affected is about 12 acres. Work is expected to be conducted between June and September 2022. The estimated cost for this project is \$200,000.

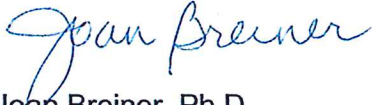
The 2022 Garrison Phase 5 AML Project: This remote backfilling project will stabilize underground coal mine workings along McLean County Highway 15 just south of the intersection with North Dakota State Highway 37 and near homes in the South Garrison Subdivision in McLean County. This project will use previously drilled and cased holes with additional drilling completed as needed. An estimated 2000 cubic yards of flowable fill will be pumped into mine workings. Work is expected to be conducted between July and September 2022. The total area affected will be less than 5 acres and surface disturbance will be minimal. The estimated cost for this project is \$770,000.

The 2022 Exploratory Drilling AML Project will locate and characterize underground mine workings beneath public roads and occupied residences. This investigatory project is expected to be conducted near the cities of Garrison, Beulah, Wilton, Velva, Williston, Dickinson and Noonan, North Dakota. Surface disturbance will be minimal. This project is to be conducted between April and July 2022. The estimated cost for this project is \$950,000.

We expect all these projects to be completed during the 2022 construction season. The attached maps provide more information and show proposed project locations.

Thank you for your assistance in this matter. If you have any questions or need more information, please contact me at jobreiner@nd.gov or 701.328.2412.

Sincerely,



Joan Breiner, Ph.D.
Assistant Director
Abandoned Mine Lands Division

Enclosures

This Constitutes a report of the Department of the Interior prepared in accordance with the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq). We have reviewed and have NO OBJECTION to this proposed project.

DREW BECKER Digitally signed by DREW BECKER
Date: 2021.11.10 13:52:53 -06'00'

Field Supervisor



Public Service Commission
State of North Dakota

COMMISSIONERS

Julie Fedorchak
Randy Christmann
Brian Kroshus

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

December 7, 2021

Mr. Jeff Fleischman, Chief
Denver Field Division
Office of Surface Mining
P.O. Box 11018
Casper WY 82602-5004

RE: Eligibility Determination for the 2022 Garrison Phase 5 Project, the 2022 Exploratory Drilling Project and the 2022 Morton County Phase 3 Project in North Dakota.

Dear Mr. Fleischman:

This letter is submitted under 30 CFR 874.12 as the required eligibility determination for land included in the 2022 Garrison Phase 5 Project, the 2022 Exploratory Drilling Project and the 2022 Morton County Phase 3 Project.

2022 Morton County Phase 3 Project: Approximately 12.5 acres in Section 19, T140N, R85W in Morton County, North Dakota.

2022 Garrison Phase 5 Project: Segments of McLean County Highway 15 and residences located in Sections 17 and 18, T148N, R84W in McLean County, North Dakota.

2022 Exploratory Drilling Project: Along roads and near residences at sites as noted below:

Black Diamond Mine/Beulah Mine/Knife River Mine (Beulah)	Portions of Sections 7, 12, 13, and 18 of Township 154 North, Range 88 West	Mercer
Logelin/Truax Mines (Noonan)	Section 10, Township 162 North, Range 95 West	Divide
Dickinson Coal Mining, Turner, Binek & Unnamed Mines (Dickinson)	Portions of Section 7, 8, 18 & 19 of Township 139 North, Range 95 West	Stark
Turtle Gulch Mine (Velva)	Section 10 of Township 152 North, Range 82 West	Ward
Quality Lignite Co., Bechtold Mine, Others (Sawyer)	Sections 13, 14, 22, 23, 24 of Township 152 North, Range 82 West along North Dakota Highway 23	Ward
Rupp, Garrison Coal Light & Power Co. & Kunkle Mines (Garrison)	Section 17 & 18 of Township 148 North, Range 84 West	McLean

Eligibility Determination - 30 CFR 874.12

The requirements of this section of the Abandoned Mine Reclamation Program set forth the following criteria for eligibility for reclamation activities (paraphrased):

- a. Was the real property subjected to coal mining and related processes?
- b. Did the coal mining processes on the real property occur before August 3, 1977, and was said real property left or abandoned in an unreclaimed or inadequately reclaimed condition? and,
- c. Is there continuing responsibility for reclamation by the operator, permittee or agent of the permittee under the statutes of the State of North Dakota or the government of the United States?

Based upon available historical information, I find that the described real properties were mined for coal; that the coal mining activity occurred before August 3, 1977; and, that the property has been left in an abandoned and unreclaimed state. I further find that there is no continuing responsibility for reclamation by the operator, permittee or agent of the permittee under statutes of the State of North Dakota or the government of the United States.

Based on these findings, it is my opinion that the described real properties meet the eligibility requirements of 30 CFR 874.12 for abandoned mine reclamation.

Sincerely,



John M. Schuh
General Counsel